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Acts of the General Assembly of the
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A C T S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

**REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH
WAS BEGUN AND HELD IN THE CITY OF FRANK-
FORT ON FRIDAY, THE THIRTY-FIRST
DAY OF DECEMBER, 1875.**

VOLUME II.

PROPERTY OF THE STATE OF KENTUCKY.

**FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE.
JAMES A. HODGES, PUBLIC PRINTER.
1876.**

“§ 23. * * * And it shall be the duty of the Public Printer to carefully compare the printed acts, whether of a general, local, or private character, with the acts on file in the office of Secretary of State, so that they may, in every respect, conform in language.”— *Chapter 67, sec. 23, page 613, title “Laws,” of the General Statutes.*

In compliance with the above provision of the General Statutes, the “engrossed bills”—from which the Public Printer prints—have been carefully compared with the “enrolled acts” on file in the office of Secretary of State. The discrepancies are noted below.

JAS. A. HODGES,
Contractor for Public Printing and Binding.

ERRATA.

- Chapter 423, House bill, page 12, section 1, line 4, for “election” read “section.”
- Chapter 440, House bill, page 34, section 11, line 24, after the word “enter” read “into.”
- Chapter 466, Senate bill, page 96, section 3, line 16, for “prescribe” “prosecute.”
- Chapter 479, House bill, page 107, section 2, line 11, for “to” read “or.”
- Chapter 486, House bill, page 140, section 3, line 16, for “oppressive” read “approved.”
- Chapter 500, House bill, page 156, section 9, line 2, omit the word “the” after “in.”
- Chapter 514, House bill, page 165, section 2, line 2, for “owing,” read “owning;” same section, line 3, for “with” read “within;” section 8, page 167, line 1, after the word “marshal” read “shall.”
- Chapter 516, House bill, page 168, section 3, line 9, for “received” read “recovered.”
- Chapter 517, House bill, page 170, section 1, line 3, after the word “section” read “after the words.”
- Chapter 524, House bill, page 178, section 12, line 17, for “recorded” read “recovered.”
- Chapter 527, House bill, page 181, section 1, line 4, for “Union” read “said.”
- Chapter 535, House bill, page 214, section 1, line 6, for “trustees” read “trustee.”
- Chapter 553, Senate bill, page 233, section 1, line 2, for “Thomas and George Fend” read “Thomas and George Finch.”
- Chapter 576, House bill, page 264, enacting clause omitted.
- Chapter 590, House bill, page 275, line 4 of preamble, for “high” read “higher.”
- Chapter 625, Senate bill, page 310, section 1, line 18, for “successions” read “succession.”
- Chapter 632, House bill, page 323, section 13, line 18, after the word “completed” read “as.”

- Chapter 633, House bill, page 324, section 2, line 9, for "counties" read "courts."
- Chapter 640, Senate bill, page 327, section 6, line 19, for "days" read "day."
- Chapter 642, Senate bill, page 331, section 5, line 1, for "of" read "and."
- Chapter 651, House bill, page 348, section 12, line 3, after the word "may" read "be;" section 14, page 349, line 2, for "being" read "brings;" same section, line 5, for "levied" read "bid;" same section, line 17, for "same" read "sum."
- Chapter 663, House bill, page 377, section 4, line 10 from top of page, for "over" read "for;" same section, same page, line 19, for "recreations" read "recreation;" section 5, page 379, line 9, omit the word "all."
- Chapter 676, House bill, page 418, section 4, line 8, after the word "not" omit the word "to."
- Chapter 689, Senate bill, page 430, section 7, line 9, after the word "same" read "for."
- Chapter 706, Senate bill, page 457, section 2, line 8, for "on" read "or."
- Chapter 710, Senate bill, page 465, section 1, line 10, for "on" read "in;" page 466, section 3, line 24, for "sale" read "rate."
- Chapter 711, House bill, page 467, section 1, line 9, for "minor" read "mixed."
- Chapter 712, House bill, page 469, section 1, line 22, for "court" read "county."
- Chapter 714, Senate bill, page 481, article 4, section 13, line 1, for "be" read "lie."
- Chapter 740, Senate bill, page 509, section 1, lines 9 and 10, for "pike" read "fork."
- Chapter 753, House bill, page 525, section 7, line 5, for "parties" read "justices."
- Chapter 755, House bill, page 529, section 12, line 1, for "for" read "to."
- Chapter 760, House bill, page 540, section 1, line 3, for "impleaded" read "imposed."
- Chapter 764, Senate bill, page 546, section 8, line 4, after the word "unpaid" omit the word "if;" section 10, line 4, after the word "contained" insert "shall be construed."
- Chapter 766, Senate bill, page 548, section 1, line 5, for "there" read "this."
- Chapter 809, House bill, page 584, section 11, line 2, for "subscription" read "subscribers."
- Chapter 810, House bill, page 585, section 3, line 5, for "grading" read "graveling."
- Chapter 816, Senate bill, page 593, section 3, line 6, after the word "company" omit the word "to."
- Chapter 820, Senate bill, page 600, section 5, line 18, for "not" read "nor."
- Chapter 841, Senate bill, page 612, line 12 of preamble, omit the word "he."
- Chapter 847, House bill, page 617, section 1, line 4, after the word "said" insert the word "county."
- Chapter 859, House bill, page 625, section 3, line 2, after the word "full" insert "justice to all parties interested."
- Chapter 860, House bill, page 626, section 3, line 28, for "order at" read "order of."
- Chapter 899, House bill, page 648, section 1, line 3, for "or" read "in."
- Chapter 906, House bill, page 657, section 2, line 1, for "having" read "receiving."
- Chapter 909, House bill, page 658, section 1, line 23, for "property" read "propriety;" section 6, line 12, for "thereof" read "therefor;" section 7, line 2, for "secures" read "receives;" same section, line 3, for "titles" read "tithes."
- Chapter 912, House bill, page 666, section 4, line 3, for "first" read "fact."
- Chapter 918, House bill, page 671, section 6, line 4, for "offices for building" read "officers for holding;" section 8, line 7, for "law" read "land;" section 12, line 2, for "after" read "alter."

ERRATA.

v

Chapter 953, Senate bill, page 706, in title, omit the word "to."

Chapter 1014, Senate bill, page 751, enacting clause omitted.

Chapter 1023, Senate bill, page 761, section 1, line 5, for "act" read "section."

Chapter 1027, House bill, page 763, section 2, line 11, after the word "Company" insert
"as herein authorized, the said Kentucky Central Railroad Company;"
same section, line 28, after the word "corporation" read "issued."

Chapter 1028, House bill, page 765, section 4, line 16, for "measure" read "manner."

Chapter 1033, Senate bill, page 767, section 2, line 1, after the word "they" read "may."

Chapter 1034, Senate bill, page 776, article 4, section 6, line 4, after the word "judge"
read "of said court;" page 783, article 7, section 1, line 6, after the
word "supervision" read "and direction;" article 11, section 11, line
3, for "ground" read "goods."

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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT ON FRIDAY, THE THIRTY-FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

JAMES B. McCREARY, *Governor.*
J. C. UNDERWOOD, *Lieut. Gov'r and Speaker of Senate.*
WILLIAM J. STONE, *Speaker House of Representatives.*
J. STODDARD JOHNSTON, *Secretary of State.*
THOS. E. MOSS, *Attorney General.*

CHAPTER 405.

AN ACT for the benefit of the assessor of Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assessor of Fulton county shall have until the 1st of June to return the assessor's books of said county.

§ 2. This act to take effect from its passage.

W. J. STONE,
Speaker of the House of Representatives.
JOHN C. UNDERWOOD,
Speaker of the Senate.

Approved March 6, 1876.

JAMES B. McCREARY.

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State.*

1876.

CHAPTER 406.

AN ACT changing the boundary of the town of Georgetown, Scott county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the eastern boundary of the town of Georgetown be extended as follows, viz: Beginning on Bourbon street, at a point where the present eastern boundary line now crosses said street, running east one sixth of a mile; thence south, on a line parallel with the present eastern boundary line of Georgetown, until it strikes the north side of the Lemon's Mill Turnpike Road; thence with said road to the point where it strikes the southern boundary of Georgetown.

§ 2. This act to take effect from its passage.

Approved March 6, 1876.

CHAPTER 407.

AN ACT to authorize the Martin county court to issue bonds for the purpose of erecting and repairing public buildings in said county, and providing for the payment of said bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Martin county, a majority of the justices therein being present and concurring, is hereby authorized to issue the bonds of said county to an amount not exceeding five thousand dollars, in sums of from fifty dollars to five hundred dollars, bearing any rate of interest not exceeding ten per centum per annum, payable and redeemable at the pleasure of the court at any time within five years from the date of said bonds; which bonds shall be signed by the judge and clerk of said court, and may be sold upon such terms as the court may prescribe. The money paid for said bonds shall be applied to the building and repairing of public buildings in said county in such manner as the court may direct; and to pay the interest as it accrues on said bonds, and the principal at maturity, the court shall levy and have collected either a poll-tax or a tax upon all property within the county taxable for revenue purposes, or both, as the court may at any time, in its discretion, deem proper.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 408.

1876.

AN ACT for the benefit of John W. Mills, of Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of twenty-five dollars, in favor of John W. Mills, to be paid out of any money in the Treasury not otherwise appropriated, to pay said John Mills for expenses he incurred in conveying Perry Mills, a lunatic, from Columbia, in Adair county, to the asylum at Anchorage, and which has never been paid.

§ 2. *Be it further enacted*, That this act take effect from its passage.

Approved March 6, 1876.

CHAPTER 409.

AN ACT to amend the several acts in relation to the town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That, for the purpose of a proper police regulation of the town, the board of trustees of said town shall have full power and authority to enact such ordinances as they may deem necessary for the punishment of the offense described in section first, chapter one hundred and eleven, of the General Statutes, when the same is committed within the limits of said town, by a fine not less than five dollars nor more than twenty-five dollars: said fine and costs of prosecution to be collected as other fines imposed by the police court of said town are now collected.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1876.

1876.

CHAPTER 410.

AN ACT legalizing a vote taken by the voters of Falmouth, in Pendleton county, on the 13th day February, 1875, authorizing the board of trustees of said town guaranteeing the payment of interest on twenty-five thousand dollar bonds issued by the Covington, Flemingsburg, and Pound Gap Railroad Company.

WHEREAS, On the 13th day of February, 1875, a proposition was voted upon by the qualified voters of the town of Falmouth, authorizing the board of trustees of said town to guarantee the interest on twenty-five thousand dollars of the bonds of the Covington, Flemingsburg, and Pound Gap Railway Company, at the rate of eight per cent. per annum, for the period of ten years; and on the 24th day of January, 1876, the police judge of said town was authorized and directed by an ordinance of the said board of trustees to make the proper indorsement on said company's bonds, when issued, guaranteeing the payment of the interest on said bonds; and the citizens of said town of Falmouth being desirous of carrying out the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the aforesaid vote, taken February 13th, 1875, and the action of the board of said trustees on the 24th day of January, 1876, authorizing the police judge to subscribe and indorse said bonds, guaranteeing the interest on same for ten years, be hereby declared legal and binding as though this act had been passed before said action of the citizens and trustees of said town.

· § 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 411.

AN ACT for the benefit of C. K. Oldham, late sheriff of Madison county.

WHEREAS, C. K. Oldham, late sheriff of Madison county, paid to the Auditor of Public Accounts nine hundred and one dollars and eight cents, as a penalty for the non-payment of the revenue of the year 1872 at the time prescribed by law; and also paid to the Auditor the further sum of six hundred and seventy-seven dollars and ten cents, as a penalty for the non-payment of the revenue of the year 1873 at the time pre-

scribed by law, none of which, except seventy-five dollars, was ever collected by him from the tax-payers; and whereas, the Court of Appeals have decided that the law under which said penalties were paid is unenforceable; therefore,

1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to credit C. K. Oldham, late sheriff of Madison county, with the sum of fifteen hundred and three dollars and eighteen cents on the amount due the State from him.

§ 2. That this act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 412.

AN ACT for the benefit of R. L. McElroy, late trustee of school district No. 16, of Marion county.

WHEREAS, The county school commissioner of Marion county, Kentucky, for the year 1873, in making the census report of district No. 16, in said county, and reporting the number of children in said district of the proper school age, made a mistake of twenty-two in number in said report, as evidenced by the report of trustees of said district, the commissioner's report showing twenty-two less in number than the report of trustees; and whereas, a teacher was employed who did teach the school in said district according to law; and whereas, said R. L. McElroy paid, out of his own individual means, to said teacher, for the twenty-two children omitted in the report of the county school commissioner, which sum amounted to forty-two (\$42 00) dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioner of Marion county be authorized to draw his draft upon the Auditor of Public Accounts for the sum of forty-two (\$42 00) dollars, which, when countersigned by the Superintendent of Public Instruction, shall entitle R. L. McElroy to a warrant upon the Treasury, to be paid out of the interest on the Marion county school bond for the school year ending June 30th, 1877.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

1876.

CHAPTER 413.

AN ACT to create an additional voting place in the fifth magisterial district in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an additional voting place be, and the same is hereby, created and established at the Butler school-house, in the fifth magisterial district of Kenton county.

§ 2. That at all elections the voters respectively in the said district may vote at the voting place now fixed, or at the voting place fixed by this act, and the said votes shall be legal and valid.

§ 3. That this act shall be in force from its passage.

Approved March 6, 1876.

CHAPTER 414.

AN ACT to amend the charter of the town of Caseyville, in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section five of an act, entitled "An act to incorporate the town of Caseyville, in Union county," approved December 21st, 1837, be, and the same is, so amended that the board of trustees of said town may levy a tax of not exceeding one dollar upon each one hundred dollars' worth of property, real and personal, including bank stock and dividends, owned within said town each year; and also a poll-tax of not exceeding two dollars per capita upon the qualified voters of said town.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 415.

AN ACT to incorporate the town of Shiloh, in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Shiloh, in Calloway county, be, and is hereby, established and incorporated, under the name of

"The Town of Shiloh," with the following boundaries, to-wit: Beginning at a stake in the field of W. H. Watkins, and running thence west five hundred yards; thence south five hundred yards to a stake; thence east five hundred yards to a stake; thence north five hundred yards to the beginning: said stake, at the beginning of said boundary line, to be made of sound post oak, or other substantial timber, hewed or sawed and pointed, planted three feet in the ground, and to extend at least four feet out of the ground, to be furnished and so planted by the trustees hereafter named; and a plat of said town, containing an accurate diagram and plan of said town, showing all the streets, alleys, public grounds, and squares therein, and to be lodged with and recorded by the county clerk of said county in the latest deed-book of his office, said plat to be made and certified to and acknowledged by said trustees, and by them lodged with said clerk; and they shall pay to said clerk as a fee for his said services the sum of two dollars and fifty cents.

1876.

§ 2. That W. H. Watkins, W. J. Beale, and Isham West are hereby appointed trustees of said town, to hold their said offices until trustees are elected or appointed and qualified as their successors, under the general law regulating towns established by county courts.

§ 3. That all the powers conferred by law on trustees of towns established as aforesaid are hereby conferred on the said trustees and their successors; and, in addition thereto, they shall have exclusive, full, and complete power to grant license for, to regulate, or prohibit the sale of, spirituous, vinous, or malt liquors by tavern-keepers, coffee-house keepers, merchants, or others within said town.

§ 4. That said trustees shall have power to issue bonds for the payment of money and interest for school purposes, upon a unanimous vote of all the property-holders in the limits of said town.

§ 5. This act to take effect from its passage.

Approved March 6, 1876.

1876.

CHAPTER 416.

AN ACT for the benefit of the Bloomfield and Springfield Turnpike
Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years from and after the passage of this act is given the president and directors of the Bloomfield and Springfield Turnpike Road Company in which to complete their said road; and for that purpose they shall have and exercise all the rights and powers given them by the original charter.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 418.

AN ACT to amend the charter of the town of Caseyville, in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of Caseyville, in Union county, be, and the same is, so amended as that the tax collector chosen by the trustees of said town shall have authority to levy upon and sell personal and real estate within said town in satisfaction of town taxes which have been, or may hereafter be, assessed by the authorities of said town, to the same extent that sheriffs may sell such property for State taxes. Such sales shall be had in said town, and to be advertised as such sales by sheriffs are required to be. The collector shall give certificates of purchase to the purchaser, which shall have the same effect, and be recorded in the same way, as sheriffs' certificates. The time and terms of redemption of such property, the manner of releasing the same when redeemed, shall be the same as those provided by the General Statutes in section 14 to section 22, inclusive, article eight, of chapter 92: *Provided*, The State and county shall have a lien on said property unimpaired by this act for any taxes due the State or county.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 419.

1876.

AN ACT to incorporate the Antioch and Houston Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, and created a body-politic, under the name and style of the Antioch and Houston Turnpike Road Company, with a capital stock not to exceed (\$22,000) twenty-two thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a turnpike road from a point on the east side of the Lexington and Maysville Turnpike Road, near Antioch Church, about nine miles from Lexington, and about nine miles from Paris, in Bourbon county, to the Chilesburg and Clintonville Turnpike Road, about four miles from Chilesburg, and the same distance from Clintonville, said point being in Fayette county, on A. T. Ware's farm; the same shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and alter and amend the same at pleasure; may acquire, by purchase or writ of *ad quod damnum*, the ground for the residence of toll-gate keepers, and such rock, timber, and quarries as may be necessary in the construction and the repairs of the road.

§ 2. The officers of this company shall consist of a president, and may have as many as six directors, and a treasurer, who shall be elected on the first Saturday in May of each year; all of the above named officers shall hold their offices for one year, and until their successors are elected. The election of officers shall be held at the toll-gate house nearest the Maysville and Lexington Turnpike. In the election of officers, and all matters of importance not hereafter left to the directors, where the stockholders are entitled to vote, each stockholder shall have one vote for every share he may hold, which vote he or she may cast either in person or by written proxy.

§ 3. The treasurer, before he enters on the discharge of his duty as such, shall execute a bond, with approved security, conditioned that he will faithfully discharge the duties of his office, and pay over all sums that come into his hands upon the order of the directory.

1876.

§ 4. The width of the road-bed shall be (30) thirty feet.

§ 5. All the business affairs of the company shall be under the control of the president and directors.

§ 6. The said Antioch and Houston Turnpike Road Company may erect a toll-gate where this said turnpike road crosses the Limestone dirt road; and said company may have the right to place a gate on each side of said Limestone dirt road, so as to collect toll from persons traveling either end of said turnpike road to or from said Limestone dirt road.

§ 7. The said turnpike road company shall have the right to collect half toll from said Limestone dirt road to the Maysville and Lexington Turnpike Road, the entire length of said turnpike road being a fraction less than six miles. The president and directors may make such by-laws for the management of the affairs of their road as they may deem necessary: *Provided*, That the same are not inconsistent with this act or the Constitution and laws of the State.

§ 8. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 420.

AN ACT for the benefit of the sheriff of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Warren county have the further time until the first day of July next to pay into the Treasury the revenue of 1875 of Warren county: *Provided*, That the securities on said sheriff's bond shall come into the Warren county court and consent to this extension of time, and have the same spread on the records of said court.

§ 2. This act shall be in force from and after its passage.

Approved March 6, 1876.

CHAPTER 421.

1876.

AN ACT to incorporate the Baptist Church of New Liberty, Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That F. Brown, L. K. Frazer, and Isaac Foster, Trustees. Trustees of the Baptist Church of New Liberty, Owen county, and their successors, be, and they are hereby, created a body-politic and corporate, by the name and style of the Trustees of the Baptist Church of New Liberty, Owen county; and by that name shall have perpetual succession, and a common seal, Corporate powers. or may use their individual seals or scrolls; and may sue and Common seal. be sued, plead and be impleaded, in any court of equity of this Commonwealth.

§ 2. That when any vacancy in said board may occur by death, resignation, or otherwise, or other disqualification, to be judged of by the church at a regular business meeting, it shall be competent for the members to fill such vacancy or vacancies at any regular business meeting; said church shall also have power to remove from office any one or more of said trustees, by a majority vote of all the members present at a regular business meeting concurring therein, and may proceed to fill such vacancy in the manner pointed out above for filling vacancies: *Provided*, That no removal or appointment of a trustee shall take place until notice of such intention has been given at a previous regular business meeting of the church. Vacancy—how filled. Proviso.

§ 3. That the above named trustees, and their successors, are hereby invested with power to hold the conveyance of the lot of ground on which the church edifice stands; also to purchase and receive title to other grounds, not exceeding twenty acres, with its appurtenances; said property shall be free from all taxes, State, county, municipal, turnpike, or railroad; nor shall any passway, road, turnpike, or railroad ever be permitted to pass through said grounds without the consent of said trustees; the said trustees also shall have power to receive property, by devise or bequest, for the benefit of said church, and any property or money so obtained shall be held by said trustees and their successors for the exclusive use and benefit of the Baptist Church of New Liberty, Owen county (or, in case of division, to such portion as hold and adhere to the articles of faith now held by said church).

1876. § 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1876.

CHAPTER 422.

AN ACT to amend an act, entitled "An act to prohibit the sale of spirituous liquors in the town of Caverna," approved February 27, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of the town of Caverna, in Hart county, Kentucky, shall have power to regulate the sale in said town of wine manufactured from grapes in Hart county, commonly called native wine: *Provided*, That it shall not be sold in quantities less than one quart, and that by the growers of said grapes; and that so much of an act, entitled "An act to prohibit the sale of spirituous liquors in the town of Caverna," approved February 27, 1873, as is inconsistent with this act, is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 423.

AN ACT to fix the time of holding the quarterly courts in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the quarterly courts shall be held in Muhlenburg county in the months of January, April, July, and October, as provided in section seven of article thirteen, chapter twenty-eight, title "Courts," of the General Statutes; and said election shall be in all respects applicable to Muhlenburg county, all acts heretofore passed to the contrary notwithstanding.

§ 2. *Be it further enacted*, That all acts in conflict with this act are repealed.

§ 3. This act to take effect from its passage.

Approved March 6, 1876.

CHAPTER 424.

1876.

AN ACT to incorporate the Fifth Presbyterian Church, Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Steele, J. DeWitt Duncan, A. G. Richardson, James A. Breeding, and their successors as herein provided, be, and are hereby, created a body-corporate, to be known as the Fifth Presbyterian Church, Louisville, Kentucky; by said name to have perpetual succession; to have and use a common seal; to sue and be sued, contract and be contracted with; to hold, by purchase or devise, real estate or other property, and to encumber or sell the same; but the proceeds of property so sold shall be held for the use and purposes hereinafter named.

§ 2. That the property now held by the trustees of said Fifth Presbyterian Church, and any hereafter acquired, shall be held for the use and benefit of the said congregation as named in the deeds from E. Bayse and Ira Miller to John Steele *et al.*, trustees, of record in the Jefferson county clerk's deed-book 186, pages 65 and 67.

§ 3. That the said persons named shall constitute the trustees of said congregation for one year from the first Monday of January, 1876; and every year thereafter said congregation, on the first Monday of January of each and every year, shall elect three trustees, who shall hold office for one year, or until their successors are elected. Should said election not occur on day named, said congregation may be called together at any time, upon five days' notice given upon the Sabbath preceding, from the pulpit of said congregation, at public worship, and may elect trustees to serve until next regular election. Said trustees, in case of resignation, death, or removal, may elect persons to fill vacancies in said board. Two members shall constitute a quorum of said board. Said board from among their number shall elect a president and secretary. All transfers, conveyances, or assignments of property shall be signed by the president, and be attested by the secretary; and all such conveyances shall pass the title to property of the church, provided the conveyances to real estate are approved by a majority of the congregation of said church.

1876.
- § 4. The trustees shall at all times keep a record of their proceedings, which shall be open to inspection of any member of the said church or congregation.

§ 5. The present trustees of the Fifth or West Presbyterian Church, viz: John Steele, J. A. Breeding, and — Polk, are hereby empowered and authorized to make a conveyance of the ground held by them as such trustees to the Fifth Presbyterian Church, Louisville, Kentucky, to be held for the like purposes and trusts as set forth in the said deed of conveyance heretofore named.

§ 6. This act shall take effect and be in force from and after the passage thereof.

Approved March 6, 1876.

CHAPTER 425.

AN ACT to authorize the board of council of Franklin, Kentucky, to issue bonds, and provide for the payment of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Amount of bonds

Each bond \$100.

How payable.

Coupons.

Board to dispose of bonds.

§ 1. That the board of council of the town of Franklin, in Simpson county, Kentucky, are authorized to issue the bonds of said town in any sum not exceeding ten thousand dollars; but no bond shall be for a greater or less sum than one hundred dollars; one third of said bonds issued shall be made payable in three years, one third in six years, and one third in nine years, from the date of their issual; and shall bear seven per cent. per annum interest, payable semi-annually; they shall be made payable to bearer, and pass by delivery; and shall have coupons thereto attached for the interest that may fall due on them. The bonds and the coupons shall be each signed by the mayor of said town, and countersigned by the clerk of the board. The date, amount, and time due of each bond shall be entered upon the records of said board at the time of issuing same. The said board may dispose of any such bonds, from time to time, in any manner they may deem expedient, for the purpose of paying the indebtedness of said town now existing, and for the improvement of said town in such manner as they may deem beneficial thereto.

§ 2. For the purpose of paying the interest on said bonds, and of raising a sum sufficient to pay the principal of the same as they shall severally fall due, the said board shall annually levy a tax upon the property in said town liable to taxation by said board, which shall be assessed and collected at the same time, and in the same manner, as the tax in said town is now assessed and collected. The marshal of said town, or other officer legally authorized, shall collect said tax, and pay it over to said board, or its treasurer, at the same time he collects and pays over the other taxes; he, and his sureties in his official bond, shall be bound for the same; it may be recovered of them, or either of them, by the same proceedings now authorized by law to recover of them taxes levied by said board; and he or they, or either of them, shall be liable for the same damages and costs for the non-collection or non-payment of said taxes as they are now liable for similar violations of duty in the non-collections and non-payments of other taxes of said town; and shall receive the same proportionate compensation for their services in the collection of said tax as in the collection of other taxes of said town.

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May levy tax to pay principal or interest of bonds.

How assessed and collected.

§ 3. That the fund hereby authorized to be raised shall be applied to the payment of the interest of said bonds as the same shall fall due, and the residue to be kept invested in some safe and profitable manner, until the said bonds shall severally become due, when it shall be applied to the payment of said bonds. The fund hereby authorized to be raised shall be applied to the payment of said bonds, and the interest thereon, and to no other purpose: *Provided*, That the said board may apply said fund to the buying in of said bonds at any time; and when they have bought in or paid off any of said bonds, they shall immediately destroy them, and shall not reissue the same: *And provided further*, That said board shall not create any further indebtedness hereafter, except on a cash basis, and never exceeding the current year's levy.

How fund so raised to be applied.

Proviso.

§ 4. This act shall take effect from and after its passage.

Approved March 6, 1876.

1876.

CHAPTER 426.

AN ACT to change the boundary line of magisterial districts numbers two and three, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary lines of magisterial districts numbers two and three be changed by running a line from a point just east of William C. Taylor's house; thence westwardly to a point in the Taylor's Mill Road where the dividing line between districts numbers two and three intersect said Taylor's Mill Road, so that all the persons living north of said line may be placed in district number two, to-wit: W. C. Taylor, Elias Keeney, Robert Boyle, Robert Taylor, John Alexander, G. T. Taylor, W. H. Perry, John Loughery, Richard Perry, G. W. Perry, G. A. Culbertson, and they, and each and all of them, shall hereafter, at all elections, vote in said district number two.

§ 2. This act shall be in force from and after its passage.

Approved March 6, 1876.

CHAPTER 428.

AN ACT to incorporate Olive Lodge, No. 24, Knights of Pythias, Carrollton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers and members of Olive Lodge, No. 24, Knights of Pythias, of Carrollton, Kentucky, and their successors, be, and they are hereby, created a body-politic and corporate, in perpetual succession, by the name and style of Olive Lodge, No. 24, Knights of Pythias, of Carrollton, Kentucky; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding real and personal estate; to receive all necessary conveyances; to sell convey, mortgage, and dispose of all such estate, real or personal, as they may now have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings, shall not exceed fifty thousand dollars.

§ 2. All contracts heretofore made by said lodge, and all agreements made by others with her, are by this act legalized and made binding on all parties, and said acts are to have the same validity, and be enforced in the same manner, that they would if done or made after the passage of this act.

1876.

§ 3. That the supervision and care of the funds, investments, and other Lodge property shall be, and its hereby, confided to J. A. Donnalson, Hugh Karms, and W. L. Smith, trustees of said lodge, and their successors in office, who, or a majority of whom, shall have full power to make all contracts pertaining to the estate, real or personal, of said lodge in any respect, either purchasing, building, or renting, or for any other purpose as the said lodge may direct; and whose action shall be binding and obligatory upon said lodge when done in pursuance of the rules, by-laws, and instructions of said lodge; and that service of process or notice on any of said trustees, their successors in office, shall be sufficient notice to said corporation.

§ 4. That the said lodge may, at any time, alter or amend, when deemed proper, the constitution, by-laws, rules and regulations, now in force in said lodge, and change and renew the same, and frame such constitution, and pass such by-laws, rules and regulations, as may be necessary for the protection, management, and safe-keeping of the property of said lodge, and for the government thereof: *Provided*, Such changes, alterations, or amendments be not in contravention of the Constitution and laws of this State or the United States.

§ 5. The right to alter, amend, or repeal this act is hereby reserved by the General Assembly.

§ 6. This act to take effect from and after its passage.

Approved March 6, 1876.

1876.

CHAPTER 429.

AN ACT to amend the charter of the town of Franklin, Kentucky, approved December 18, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the authority, power, and duty of the collector of taxes of the town of Franklin, Simpson county, Kentucky, shall be the same as to distraining, advertising, and selling all kinds of property (including real estate) situated in, or assessed for taxes by, said town, as is now given by law to the sheriffs in the collection of the State revenue.

§ 2. The withholding or non-payment of any taxes assessed and levied by said town shall subject the owner thereof to the same penalty and forfeiture as in the collection of the State revenue, with like fees and compensation for the collection as is therein provided for the sheriff; and any real estate so sold may be redeemed upon the terms and conditions provided for in the collection of the revenue aforesaid.

§ 3. This act repeals so much of said charter as may be inconsistent therewith.

§ 4. This act to take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 430.

AN ACT legalizing an order of the Martin county court of claims, and authorizing said court to levy an ad valorem tax on said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Martin county is hereby authorized and empowered to levy an ad valorem tax on the taxable property in said county, not to exceed thirty cents on the one hundred dollars' worth of property in any one year, which tax shall be collected as revenue taxes are now by law collected, and shall be paid over by the officer collecting the same, on the order of the county court of said county, which money shall be expended for the erection or repair of public buildings in said county.

§ 2. That the order of the Martin county court of claims, made at its November special term, 1875, ordering an ad valorem tax of ten cents additional to that heretofore made, mak-

ing in all twenty-five cents on each one hundred dollars' worth of property for the year 1876, be, and the same is hereby, made valid.

1876.

§ 3. This act shall be in force from and after its passage, and shall continue in force during the years 1876, 1877, 1878, and 1879, but not longer.

Approved March 6, 1876.

CHAPTER 431.

AN ACT to incorporate Gray Lodge of the Independent Sons of Honor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Seamon Gray, James Gibby, Albert Johnson, Armstead Moton, Straugher Elkins, Joseph H. Johnston, and their associates and successors, be, and they are hereby, created a body-politic and corporate, to be known as the Gray Lodge of the Independent Sons of Honor.

§ 2. Said lodge shall be the Grand Lodge of the Independent Sons of Honor in Kentucky.

§ 3. Said body-corporate shall have the power to contract and be contracted with, sue and be sued, plead and be impleaded, by the name of the Independent Sons of Honor; and it may receive and hold, either by gift, grant, or devise, so much real estate, and no more, as shall be necessary for the meeting of said Grand Lodge, and also for each of the subordinate Lodges of said order to be established as hereinafter provided for.

§ 4. That said corporation may have a common seal, and may break, alter, and change the same at pleasure, and shall have perpetual succession; that it may make all by-laws necessary and proper for its good government, provided the same be consistent with the objects and ends of said order, as hereinafter declared, and also not contrary to the laws and Constitution of the State of Kentucky and the Constitution of the United States.

§ 5. That the object of said order shall be charity to its members—in attending the sick, burying the dead, and ministering to the wants of the widows and orphans of such of said members as may or have already died:

1876.

§ 6. That if the number of members of the said Gray Lodge, as herein incorporated, shall at any time decrease below the number of seven; or if the funds and property of said order shall at any time be diverted from the object expressed in section five, then and in that event this charter shall be forfeited, together with all the franchises of said corporation.

§ 7. The officers of said corporation shall be a president, vice president, scribe, treasurer, and such inferior officers as the good government of said order may require; that said officers shall be elected by the members of said order, possess such qualifications as the by-laws may prescribe, and hold their offices for one year, and until their successors are elected and qualified: *Provided always*, That said order may provide by law for the filling of vacancies in office that may occur before the time for a regular election.

§ 8. That the said Grand Lodge shall have the power to establish as many subordinate lodges in the State of Kentucky as may seem to it necessary, and the objects of the order may require: *Provided*, No such subordinate lodge shall have less than seven members, or continue in existence after the number of members shall have been reduced below that number. The officers of said subordinate lodges shall be a president, vice president, scribe, and treasurer, and shall be elected at the times, and possess the same qualifications, as the same officers of the Grand Lodge: *Provided always*, That the officers of each subordinate lodge shall be chosen from the members of the lodge over which they preside; and if said subordinate lodges, or any of them, shall be dissolved, or cease to exist, then and in that event, all the property and funds of said lodges shall vest in the Grand Lodge: *Provided also*, It shall be expended for the benefit of the sick of said subordinate lodge, and for the widows and orphans of such of its members as may have died, if they shall be in want.

§ 9. That if at any time the Grand Lodge herein incorporated shall forfeit its franchise, or shall in any manner cease to exist, then the funds and property of said order shall vest in the officers of said Lodge, to be held by them in trust, to be applied to the use of the sick and poor of said order, and to the widows and orphans of such members as may have died, giving preference in said application to those of

the said sick, and of the said widows and orphans, as shall be in indigent circumstances. 1876.

§ 10. This act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 432.

AN ACT repealing third section of an act, entitled "An act repealing an act creating the office of the town marshal of Independence, in Kenton county, and concerning the police laws of said town."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section third of an act, entitled "An act repealing an act, entitled 'An act repealing an act creating the office of town marshal of Independence, in Kenton county, and concerning the police laws of said town,'" approved February 21, 1874, that all of said third section extending the jurisdiction of said judge beyond the limits of said town, be, and the same is hereby, repealed.

§ 2. That this act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 433.

AN ACT to incorporate the State Bank in Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. R. Murray, J. Russell Butler, C. P. Moorman, J. B. Kinkead, and John J. Harbison, and those that they may associate with them, and their successors, shall be, and they are hereby, created a body-politic and corporate, by the name of the State Bank in Louisville, with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded; answer and defend, in all courts whatever as a natural person; and to have and use a common seal, and to change and renew the same at pleasure; also to purchase and hold in fee or by lease lots of land as they may require for their business, or may acquire in collection of debts.

Bank established

Corporate powers.

Common seal.

1876.

§ 2. It shall be lawful for the said bank to transact a financial and banking business as a natural person, buy and sell exchange, stock, and other mercantile securities.

§ 3. The said bank shall have power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stock, produce, or merchandise in pledge for the security of money loaned; and it may sell the same on the non-payment of the debt or demand at the stipulated time of payment, according to any agreement made, in writing, between the parties, and pass a good title to the purchaser; it may receive deposits of gold, silver, bank notes, United States Treasury notes, and other currency, and pay the same in kind, or as may be agreed by general or special contract; it may issue letters of credit.

Capital stock.

§ 4. The capital stock of this bank shall be five hundred thousand dollars, and may be increased to one million dollars, at the pleasure of the stockholders, and shall be divided into shares of one hundred dollars each; the shares shall be personal estate, and transferable on the books of the bank according to its by-laws; each share of the capital stock shall entitle the holder to one vote at all elections of directory, and at all meetings of stockholders.

Commissioners.

§ 5. The said persons named in the first section of this act shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying in the same, and prescribe in the subscriptions that failure shall authorize a forfeiture of the stock subscribed for: *Provided*, That after deducting any unpaid calls, the proceeds of such forfeiture shall be held for the defaulting stockholder; and when not less than two hundred and fifty thousand dollars (\$250,000) shall have been actually paid in on account of subscriptions to said capital stock, the said bank may be organized and proceed to business.

When to commence business.

§ 6. The first meeting of the stockholders shall be called by the commissioners hereinbefore named at such time and place as they may elect; and no stockholder shall be eligible to the position of a director save those who hold in their own right at least ten shares of the bank's capital stock; and not less than five stockholders, holding the requisite number of shares, shall be elected, then and there to serve for the ensuing

year as directors, or until their successors are chosen at a general meeting called for that purpose. 1876.

Directors.

Officers—how elected.

§ 8. The president and vice president of this bank shall be chosen from among the directors by the votes of a majority of the directors. The president and directors shall, from time to time, make all necessary by-laws, not in contravention of the Constitution of the United States or of the Constitution and laws of this Commonwealth, for the government of this bank. Vacancies in the board of directors may be filled by those remaining in the board.

Vacancies—how filled.

§ 9. The privileges conferred by this act shall cease at the end of twenty years.

§ 10. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 434.

AN ACT for the benefit of the Alexandria and Persimmon Grove Turnpike Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Alexandria and Persimmon Grove Turnpike Company be, and is hereby, authorized and empowered to borrow money, from time to time, upon the credit of the corporation, on such terms, at such rates of interest, for such times, in such places, and to such amounts, as the board of directors thereof shall deem expedient; and said company may execute such evidences on indebtedness as may be deemed proper; and may mortgage the property, income, franchise, rights, and credits of said corporation, or any part thereof, as security for any loans, liabilities, or contracts, which it has made, or shall make: *Provided*, That any mortgage that may be made by the company shall inure alike pro rata to the benefit of all creditors of the company existing at the time such mortgage may be executed.

§ 2. That any board of directors of said company may sell, at public auction, the road, right of way, franchise, and all property, real and personal, owned by the company, upon advertising terms, time and place of sale, by posting notice thereof in at least three public places along said road, and at the court-house at Alexandria and the court-house at New-

1876. port, in Campbell county, for at least twenty days prior thereto; and the proceeds of such sale shall be first appropriated by the board to the payment of the debts of the company, and the remainder divided among the stockholders pro rata.

§ 3. That the circuit court of Campbell county, or any other court having the jurisdiction in said county, shall have power to sell any or all such property and rights, upon the application of any creditor of the company whose debt may be due and unsatisfied, the proceeds to be divided pro rata among the creditors of the company presenting their claims, and the remainder pro rata among the stockholders.

§ 4. That any purchaser or purchasers of the same shall be substituted to all the rights and powers of the company, and may organize themselves and their associates, in such a manner as they may deem proper, into an incorporated company, under the same name and style of the Alexandria and Persimmon Grove Turnpike Company; and shall possess all the powers, rights and privileges, of the existing company.

§ 5. This act to take effect from its passage.

Approved March 6, 1876.

CHAPTER 435.

AN ACT to amend the charter of Bardstown, regulating the fees of the police judge of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of Bardstown be, and the same is hereby, amended so as to make the fees of police judge of said town in cases of riots, disorderly conduct, breaches of peace, &c., &c., the same in every respect as those now allowed justices of the peace.

§ 2. All other fees of said judge to remain the same as they now are.

§ 3. This act to be in force from its passage.

Approved March 6, 1876.

CHAPTER 436.

1876.

AN ACT to amend an act approved March 14th, 1871, entitled "An act to incorporate the Iron Works Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the "Iron Works Turnpike Road Company" shall have power to erect another gate upon their road, and receive and collect tolls thereat: *Provided, however,* That said company, after the passage of this act, and the erection of said second gate, shall charge toll at both said gates only in proportion to the distance which travelers shall travel upon said road, according to the rates of toll which they are now by law entitled to charge for traveling five miles on said road.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 437.

AN ACT to amend the charter of the Kenton Station Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act chartering the Kenton Station Turnpike Road, in Mason county, approved March 3d, 1870, be, and the same is hereby, amended as follows, to-wit: That it shall be lawful for said company to locate their road, beginning at some point, to be selected by said company, on the Maysville and Lexington Turnpike Road, between where said last named road crosses Warren's Run and the pond known as Blanchard's, on said road; thence running westwardly across the country to intersect the Maysville and Bracken road at some point in Mason county.

§ 2. That if it shall become necessary to condemn ground for the right of way, ground upon which to erect toll-gates or toll-houses, or ground for quarries for said turnpike road, it shall be lawful for said company to file with the clerk of the Mason county court a petition in writing, praying for a writ of *ad quod damnum* for such condemnation; and it shall be the duty of said clerk thereupon to issue such writ according to the prayer of the petition, in the manner directed by the General Statutes of this Commonwealth; and the sheriff

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shall hold the inquest thereunder in the manner required by such General Statutes; and the inquest so taken shall be returned by the sheriff to the clerk's office of the circuit court within the time prescribed by law.

§ 3. Any party aggrieved may file a traverse to said inquest within the time, and in the manner, allowed by the said General Statutes; and such proceedings, trial, and appeal may be had thereunder as are authorized by the General Statutes.

§ 4. All subscriptions of stock heretofore made to said Kenton Station Turnpike Road shall be as binding and obligatory as if made within the period allowed by the original charter for opening books for the reception of subscriptions of stock to said road; and any organization of the said turnpike road company, under the faith of any such subscriptions of stock, is hereby declared valid in law.

§ 5. This act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 438.

AN ACT for the benefit of the Headquarters and Steel's Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the original stockholders in said turnpike company, who have paid up their stock or the transferences of said stockholders' stock, shall surrender, in writing, to the judge of the Nicholas county court the stock held by them in said company; or whenever three fourths of said original stock shall be so surrendered to said judge, for and on behalf of Nicholas county, he is hereby authorized to accept said surrender by an order entered of record on the order-book of his court; and it shall thereupon be his duty to make a subscription of stock for and on behalf of Nicholas county to the capital stock of said company of not less than thirty-five nor more than fifty per cent. on the amount so surrendered by the holders of said stock; and shall be the further duty of said judge, at the time he subscribes said stock, or as soon as possible after, a majority of the justices of Nicholas county voting and concurring therein, to levy a tax on the real and personal property of Nicholas county as

listed by the assessor thereof, and subject to taxation under the present revenue laws of this State, sufficient to pay said subscriptions of stock, and also the costs and commissions of collecting the same; which tax the sheriff of Nicholas county shall collect as soon as practicable after the same has been levied; and he shall be allowed as his commission for collecting the same at the same rate per cent. allowed for collecting the public revenue, but shall not receive commissions on the amount levied as his commission; and as soon as the sheriff collects said tax, he shall pay the same to the treasurer of said company, whose receipt shall be a voucher to the sheriff showing his disbursement of said tax in his settlement with the county judge; which settlement shall be filed in the Nicholas county court clerk's office. It shall be the duty of said treasurer, upon receiving said tax from the sheriff, to apply the same, first to the payment of any existing debts against said company which were contracted in the construction of said road, and then to apply the balance, if any, subject to the order of said board, to the completion of said road.

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§ 2. This act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 439.

AN ACT to incorporate the Mattie Hays Boat Club, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Thos. Bennett, Alex. Hays, Jas. Hatch, A. J. Machain, Jno. Monheisner, Thos. Lytle, Byron Harper, Newton Gilbert, Thos. Rummage, Geo. Maturu, Jos. Abbott, Louis Haus, Chas. Bush, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Mattie Hays Boat Club, of Louisville;" and by that name and style shall have perpetual succession; shall be qualified and capable to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, purchase, and hold real and personal property; to make and have and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for

1876. their government, and those now in force to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not to exceed fifty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds; said corporation shall have all the rights and privileges of a common carrier.

§ 2. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 3. This act to take effect from its passage.

Approved March 6, 1876.

CHAPTER 440.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Assessments.

§ 1. That whenever it shall be made to appear to the satisfaction of the council of said city of Covington, that any special assessment made by it to pay for the improvement or repair of any street, alley, sidewalk, market space or lane, or any portion thereof, is incorrect, or is insufficient to pay for the improvement or repairs, council may, under the limitations prescribed for such assessment, pass an ordinance or ordinances amending such assessment, or may make an additional pro rata assessment or assessments to supply such deficiencies; and this power shall extend to assessments heretofore made within the last three years, as well as those that may hereafter be made. All proceedings upon such corrected assessment, and for the collection thereof, shall be conducted in the same manner, and possessing the same lien, as is provided for the original assessment: *Provided*, That such corrected and additional assessments shall not affect innocent purchasers, without notice, nor any case which has been, or is now being, litigated in the courts.

Power of council.

May assess
special tax for im-
proving streets,
&c.

§ 2. Whenever said city shall have acquired, by purchase or condemnation, any land or materials for the opening, extending, or widening any street, lane, alley, wharf, landing, mar-

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kets place, or public square, or part thereof, within said city, its city council shall have the power to assess a special tax upon the lot or lots or parcels of land fronting or abutting upon the said street, lane, or alley, &c., according to front feet, for such distance along the same, not less than a square's length, if a square is laid out, or not less than four hundred feet, if there be no square, as they shall provide in the resolution or ordinance directing the purchase or condemnation; or they may assess according to valuation as the same appears on the city assessor's last book of assessment; or they may assess any property benefited according to benefits; said tax to be used to pay the cost and expenses of such purchase or condemnation, or to reimburse the city treasury, if said cost and expenses shall have been previously paid therefrom: *Provided, however,* That they shall have first determined and declared, in the ordinance or resolution directing the purchase or condemnation, the mode of assessment. No lot or part of lot or piece of land shall be chargeable, by reason of any such assessment, with more than one half the value of the same after the street or alley, &c., is opened, extended, or widened, and the deficiency, if any, shall be a charge upon the city. Said tax shall be a lien upon the lot or lots, parcel or parcels of land, from the date of the assessment, and a charge upon the owner or owners; and the same may be collected, by suit or otherwise, as taxes for street improvements are now allowed by the charter of said city to be collected, the proceedings being taken in the name of the city of Covington. The council shall pass its assessing ordinance within two months after such purchase or condemnation; and the proceedings for condemnation shall be regulated by the provisions of section four of article six of the act of March 2, 1850; but the writ of *ad quod damnum* may be issued to the sheriff, and the jury shall assess the value of the ground, &c., as they shall deem right, after hearing the testimony, and taking into consideration the disadvantages or damages which the owner or owners may derive or sustain from the condemnation of the land or materials. Whenever the council shall have provided for an assessment according to benefits, it shall appoint three judicious freeholders of the city, or its vicinity, who shall estimate the amounts to be assessed on such lots and lands as will, in their opinion, be

Proviso.

Assessing ordinance — when to be passed.

May appoint commissioners to estimate amount of assessment.

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Commissioners
to report.Tax—how col-
lected.Compensation
of commissionersCouncil may
construct sewers,
&c., and assess
for same.Amount of as-
sessment.The tax a lien
upon property.

benefited thereby, whether fronting or abutting on the street or alley, &c., so opened, extended, or widened, or not, in proportions as nearly as may be to the benefits which may result to each lot or parcel of land; who shall make written report to council specifying the amounts to be assessed upon each lot or parcel of land, within such time as the council shall direct; and council may, if they deem proper, give time for the landholders to file exceptions thereto. Council may reject the report so made and appoint other three persons of like qualifications to make report. The council may correct any errors in description of any lot or lands made by said commissioners. Upon the council concurring in a report, they shall proceed to pass an assessing ordinance, and cause said tax to be collected by the city collector or by a special collector, who shall proceed to immediately collect the same, making reports to council of such persons as refuse to pay, as also of their collections. The special collector shall give bond and security. The commissioners aforesaid shall be allowed the sum of five dollars each, to be charged as part of the costs and expenses; but only one set of commissioners shall be charged against the lot-owners.

§ 3. The council of said city shall have the power to construct sewers along its streets, alleys, lanes, highways, market spaces, public landings and commons, and assess one half the cost and expense of constructing the same upon the lots and lands bounding or abutting upon said streets or alleys, &c., in or along which the same shall pass, according to feet front, or according to valuation upon the city assessor's last book, or they may make an assessment according to benefits, as they shall determine in each case. In no case shall the assessment exceed the sum of two dollars per front foot on the property assessed; and when the amount of the quotient, after dividing the entire cost by the number of front or abutting feet, exceeds this sum, the excess shall be paid out of the general fund of the city. If the assessment is according to benefits, the proceedings therefor shall be regulated according to the provisions set forth in the last section hereof for such assessments; and lots or lands so found to be benefited shall be assessed, whether fronting on the public ground in which the sewer is to be constructed or not. The tax or assessment herein provided for shall be a like lien upon the lots or land to those provided for in the last section, and shall be a charge upon

the lot or land-owners; but if the special collector be the contractor for the work, he shall give no bond other than his contract bond.

1876.

§ 4. Said city council shall have power, without petition, by a vote of three fourths of the members elect thereof, including the president, to cause the improvement or the repair or the reconstruction of any street, lane, alley, market space, public place or square, or portion thereof, by grading or regrading, or by paving and macadamizing with or without grading, or by only paving, or by only macadamizing, either or each, with or without grading, and to assess the cost and expense thereof upon the property-holders whose lots, or parts of lots, or land, front or abut upon the street or alley, &c., or portion thereof, that shall be so improved or so repaired or so reconstructed: *Provided always*, That such street or alley, &c., has not, by the provisions of the act of March 9th, 1868, become a charge upon the city. The paving herein provided for shall include wooden or block pavements as well as limestone, bowlder, or other stone pavements, as also concrete or other kind of pavements. Said cost and expense shall be a lien upon the lots and land so fronting or abutting, from the time the work is let, and shall be collected as other similar taxes have heretofore or may hereafter be collected. The power heretofore given said council by said act of March 9th, 1868, to cause certain repairs of streets, alleys, &c., to be made by a majority vote of the council, shall still be retained by them to the extent provided for in said act, and the power herein given shall apply to original improvements, and to repairs not provided for in said act, and to streets, alleys, &c., reconstructed.

§ 5. Said city council shall have the power to license, tax, and regulate lottery offices or agencies: *Provided*, Nothing herein shall be so construed as to authorize said council to grant, create, or establish any lottery or lotteries, or agencies thereof, in said city, or to license or give permission to any lottery, or agent thereof, now in existence, to do business as such in said city.

§ 6. Section first of "An act to amend the charter of the city of Covington," approved February 7th, 1868, is hereby so amended as to apply to and include cases where sidewalks have heretofore, or shall hereafter be, improved or repaired;

1876. as also where streets, lanes, alleys, and public squares or places, or any portion of either, have been improved by grading, or by grading and any kind or manner of paving or preparation for public use, or shall hereafter be so improved.

May bring suit
for unpaid assess-
ments.

§ 7. Whenever the annual or revenue taxes assessed against any person, or against joint owners, or any corporation or partnership, shall amount to one hundred dollars or over, and shall have been due and unpaid for more than six months, said city council may cause the same to be sued for in the name of the city of Covington, in the circuit court; and this shall apply to taxes now due as well as those that may hereafter become due, and whether said amount shall accrue from one assessment or successive assessments. Said city shall have the power in such cases to sue for and collect its taxes, and enforce its lien.

May prevent
erection of inse-
cure buildings.

§ 8. Said city council shall have power to pass ordinances to prevent the erection and maintenance of insecure buildings, and to regulate the erection of houses and business structures. Whenever the superintendent of the fire department shall report to the city council that any building is insecure, and that the owner or owners refuse to make the same secure, the council may order such measures to be taken as will prevent danger, and collect the cost and expenses so accruing, by suit or otherwise, from said owner or owners. If, in the opinion of the said superintendent and the mayor of the city, said insecurity is so dangerous as to render it improper to await the sitting of the council, then said officers may order the measures aforesaid, and the council shall collect the cost and expense as above provided.

May punish of-
fenders against
its ordinances.

Fine.

§ 9. The council of said city shall have the power to provide for the punishment of offenders against its ordinances relating to the public peace or morals, either by imposing and collecting fines or by imprisonment in the jail or work-house at hard labor, or both by fine and imprisonment, at the discretion of the court; but no such person shall be fined for a single offense to exceed one hundred dollars; and such imprisonment or hard labor shall, upon the first offense, not to exceed thirty days; for the second offense, ninety days; for the third offense, six months; and for the fourth or any further repetition of the offense, one year. It shall have the power to provide for the punishment of watch-stuffers, ball-

game players, persons who practice any trick, game, or device with intent to swindle, and suspicious persons who cannot give a reasonable account of themselves.

1876.

§ 10. Whenever it shall appear to the satisfaction of said council that the official bond of any of its officers elected by the people or appointed by the council, is insufficient by reason of the insufficiency of the sureties or otherwise, it may give notice to such officer to execute a new bond, with good and sufficient surety, to be approved by council, within five days from service of notice; and in default thereof it may remove such officer and fill the vacancy so occasioned; and if it be a vacancy in the office of an elective officer the office shall be so filled until the next annual election, when, if the term be not expired, an election shall be held for the unexpired term; if the vacancy be that of an office filled by appointment of council, the appointment shall be for the remainder of the term: *Provided, however,* That nothing herein shall apply to the offices of mayor and marshal. Said council is also empowered to release any surety or sureties upon any official bond given to said city, upon application of such surety or sureties, after written notice has been given at least ten days to the officer, and thereupon such officer shall execute new bond with approved surety, unless the remaining surety or sureties on the original bond shall consent to remain as such and shall be deemed sufficient by the council. If said new bond be not given when required, the council shall remove the officer and proceed as above directed.

May require new bond of officers.

Proviso.

§ 11. Said city council of Covington shall have power to condemn and appropriate, in fee-simple, any such land or lands in or out of the corporate limits of said city of Covington as it may deem necessary for a water reservoir or reservoirs, and for the approaches thereto, and for laying suitable pipes to and from said reservoir; or they may obtain the same by purchase, in whole or in part. Should they proceed by condemnation, in whole or in part, the proceedings shall be by writ or writs of *ad quod damnum* before the mayor of said city, or the presiding judge of the Kenton county court, either of whom shall have authority to issue said writs upon proper petitions, to adjudicate the same, and to make all necessary orders in the proceeding or proceedings. The petition and all the other proceedings for condemnation, both

May condemn land for reservoir, &c.

1876.

before and after the same, shall conform to, and be governed by, in all respects, the requirements of the first section of the act, entitled "An act to amend the charter of the city of Covington," approved February 24, 1870; but the order of the mayor or judge shall be that the land or lands be condemned in fee simple to the city. Authority is also hereby given to said council, if they should deem it to be advisable, to make a connection of their water-supply pipes with the main supply pipe of the city of Newport water system, across the Licking river, and to enter contract with said city of Newport, or other authorized party or parties, for a supply of water from the water-works system or department of said city of Newport, for such length of time, and upon such terms, as may be agreed upon. And authority is also hereby given to said council to lay a pipe along the margin of the Ohio river, at or near low-water line, on the southern shore of the river, from the present water-works building, near the foot of Main street, in the city of Covington, to some suitable point above the city of Newport. For the purpose of carrying out any one or more of said measures, as the council may choose or determine, for increasing the supply and improving the quality of the water supply of said city of Covington, authority is hereby given to the council of said city to issue the bonds of said city in such amount as may be necessary, not to exceed two hundred thousand dollars, said bonds to bear a rate of interest not exceeding eight per cent. per annum, payable annually or semi-annually, as the council may order; the bonds to be issued in such denominations, and to be redeemable at such time or times, as the council may by ordinance prescribe. The interest upon said bonds shall be paid out of the tax to pay interest on the bonded debt, and council may dispose of such bonds at not less than par value, at such times and in such manner as may be deemed advisable. The proceeds of said bonds shall be used for no other purpose than that for which they were designed: *Provided always, however,* That said bonds shall not be issued, nor any of the powers authorized in this section exercised, until the question of the issuing such bonds and the exercise of the powers proposed shall have been first submitted to a vote of the people, and shall have received the approval of a majority of the qualified voters of said city of Covington. In submitting the question, the council shall open polls in ear

May contract
with Newport for
water.

May issue bonds.

Rate of interest.

How paid.

Proceeds of
bonds—how used

Vote to be taken
on issuing of
bonds.

ward, and shall give at least ten days' notice of the vote to be taken, and the precise question submitted, by printed handbills, posted in the different wards of the city; and shall provide suitable officers for taking said vote; said officers to be duly sworn to faithfully and impartially discharge their duties and make due returns.

1876.

§ 12. *Be it further enacted*, That for the purpose of redeeming certain bonds of said city of Covington, known as the Covington and Cincinnati Bridge bonds, falling due in this year 1876, and for the further purpose of paying off and discharging some portion of said city's floating debt, said city council of Covington shall have power, and the same is hereby given, to issue and sell or hypothecate, at such rate as it may deem advisable, the bonds of the city of Covington, redeemable and payable, with such rate of interest, not exceeding eight per cent. per annum, and at such times and places as said council shall determine, to an amount not exceeding one hundred thousand dollars. The proceeds of said bonds shall be used exclusively for said purposes, and the interest on said bonds shall be payable annually or semi-annually as the council may order, and shall be paid out of the tax to pay interest on the bonded debt.

May pay off
bridge bonds with
city bonds.

§ 13. The fifth section of the act approved March 9, 1868, entitled "An act to amend the charter of the city of Covington," is hereby amended by making it the duty of the city clerk, instead of the city treasurer, to place the delinquent tax-bills in the hands of the city collector, and take his receipt in the manner therein provided, and to perform the other duties in regard to said receipt therein imposed on the city treasurer.

City clerk to
take collector's
receipt for tax-
bills.

§ 14. The first section of "An act to amend the charter of the city of Covington," approved April 9th, 1873, is hereby so amended that the proviso in said section shall read as follows: *Provided*, That churches, school-houses and colleges, and the grounds attached thereto, and dedicated solely for the use thereof, raw material held by manufacturers for the purpose of being manufactured in the city, and machinery in manufactories, shall be exempt from taxation, as also (for one year after manufacture) all manufactures in manufactories remaining therein unsold.

§ 15. The third section of "An act to amend the charter of the city of Covington," approved March 9th, 1854, is hereby

1-76. so amended as to apply to vacancies in any office established by the charter of the city, or by the city council thereof, provided the same be an office filled by the popular vote.

Approved March 6, 1876.

CHAPTER 441.

AN ACT to incorporate the town of Whitesburg, in Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Whitesburg, in Letcher county, be, and the same is hereby, incorporated, with the following boundary, to-wit: Beginning at the forks of the road near Caudill & Long's mill; thence with the west line of J. N. Thompson and W. W. Long's land to the north line of same; thence eastwardly with the top of the ridge on the north side of the North Fork of Kentucky river to a point opposite the east line of J. B. Fitzpatrick's farm; thence with the line of said farm to the North Fork of Kentucky river; thence with the same to the east line of the farm of William H. Nickels; thence with the east line of same to the top of the ridge on the south side of the North Fork of Kentucky river; thence with the top of the ridge to a point opposite the beginning; thence a straight line to the beginning.

§ 2. That William H. Nickels, S. J. Caudill, R. M. Hylton, Marion Hall, and James E. Sarver are hereby appointed trustees of said town, who shall hold their office until the first Saturday in June, 1876, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees, to serve for one year, and until their successors are duly elected and qualified. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly sworn by some justice of the peace for said county that they shall faithfully discharge the duties of said office.

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, and shall be known as the Trustees of the Town of Whitesburg; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all sub-
courts of this Commonwealth. the
a each

1876.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number a chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. There shall be elected annually, at the same time the trustees are elected, a police judge and town marshal for the town of Whitesburg, who shall serve until their successors are elected and qualified. The jurisdiction and powers of the police judge in civil and criminal cases shall be the same as a justice of the peace, and he shall receive the same fees as a justice of the peace for like services, and compose one of their number in holding the court of claims of Letcher county; he shall be commissioned by the Governor. The town marshal shall have the same power and like fees as constables; shall give bond and be qualified in the Letcher county court, the same as constables.

§ 6. The board of trustees created under this act shall provide, prior to the first election, proper officers for holding the same, and they shall give at least ten days' notice of the time and place of holding said election, by written notice, posted in at least three public places in said town.

§ 7. That said trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening or improving of the same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and government of said town not inconsistent with the Constitution and laws of the United States and of this Commonwealth. They shall have power to levy and collect a tax upon the property and tithes in said town, not to exceed twenty-five cents on each one hundred dollars' worth of property, and not exceeding one dollar on each tithe, to be applied to the improvement of the streets and sidewalks in said town. It shall be the duty of said trustees to appoint a treasurer and clerk, and such other officers as they may think necessary, and to take bonds with sureties; and for a violation of duty or default of any officer so appointed, suit may be brought before any tribunal having jurisdiction thereof. A majority of said trustees may, for proper cause, remove any officer and appoint others to fill the vacancy.

1876. § 8. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of the town for the use and benefit of the corporation.

§ 9. It shall be the duty of the trustees of said town to keep the streets and alleys in good repair. They are hereby authorized to tax the citizens and owners of property a sum sufficient for that purpose: *Provided*, The taxation shall not exceed the rate specified in section seven. The citizens of said town are hereby exempted from working on public roads, except that part of the public roads inside of the corporate limits of said town. The trustees, in the by-laws, shall provide for the keeping said roads in good repair; and for that purpose may require all able-bodied male persons between the ages of sixteen and fifty years, residing inside the corporate limits, to work on the same.

§ 10. The police judge, in addition to the powers conferred on him by section five, shall have exclusive jurisdiction, subject to appeal, of all violations of the town ordinances and by-laws. It shall be the duty of the town marshal to execute all process directed to him by the police judge, and to collect the revenue of said town. Before entering on the discharge of this duty, he shall give bond, with sureties to be approved of by the trustees. Vacancies occurring in the offices of police judge and town marshal are to be filled in the same manner that vacancies in the office of justice of the peace and constables are filled.

§ 11. That this act shall take effect from and after its passage; and the right to repeal, alter, or amend this act is reserved to the General Assembly.

Approved March 6, 1876.

CHAPTER 442.

AN ACT to incorporate the Kentucky Grangers' Mutual Benefit Society.

Be it enacted by the General Assembly of the State of Kentucky:

§ 1. That Willie B. Galloway, B. Manly, jr., Wm. H. Warren, Dr. S. F. Gano, C. W. Allen, W. W. Chamberlain, James D. Smith, John C. Payne, Wm. J. Neale, P. Henry Thompson, and J. Henry Wolfe, and their associates and successors, be,

and are hereby, created a body corporate, under the name of "The Kentucky Grangers' Mutual Benefit Society;" to have perpetual succession, with the right to obtain, hold, sell and convey, and dispose of every class of property, and to make and to retain their capital stock to the amount of fifty thousand dollars, with the power to confer benefits as herein provided, or as the society may determine; and may make contracts that shall be binding; may sue and be sued, and transact all business in its corporate name for its corporate purpose; may use a common seal, renewable and changeable at pleasure; and may make by-laws for its government, not inconsistent with the purposes of the corporation or with the laws of the land. 1876.

§ 2. The persons herein named, or a majority of them, may constitute a board to do business, and may proceed at pleasure to organize fully, and to receive as members persons in sound health, who are Patrons of Husbandry of the State of Kentucky, or their wives or daughters, who are matrons of the same, under sixty-five years of age, in good standing in their Granges, and acceptable to the board.

§ 3. Each person, upon becoming a member, shall pay into the treasury of the society, according to age, as follows, to-wit: From the age of eighteen to thirty years, six (\$6 00) dollars; from the age of thirty to forty years, ten (\$10 00) dollars; from the age of forty to fifty years, fifteen (\$15 00) dollars; from the age of fifty to sixty years, twenty (\$20 00) dollars; from the age of sixty to sixty-five years, thirty (\$30 00) dollars; which amounts, when received into the treasury, shall become a fund of the society; and this fund, with the other qualifications prescribed, shall entitle him or her to membership for life.

§ 4. All applicants for membership shall be examined by some practicing physician, who shall be appointed by the society, or its authorized agents, who shall be entitled to a fee of two dollars, to be paid by the applicant if he is accepted as a member of said society, and if the applicant is rejected, the fee to be paid by the society. The medical examiner shall write his certificate on the application, giving his opinion, as medical examiner, as regards the health and condition of the applicant, and whether it would be safe to accept him or her for membership.

1876. § 5. All applications for membership shall be accompanied by the membership fee, together with one dollar additional for policy fee.

§ 6. The office of the society shall be at Georgetown, Kentucky; and the organization shall take place by the election of eleven directors, to be chosen from the members of the society, each member having one vote; and the aforesaid directors, by a majority vote, shall elect from their body, or from members of the society, a president and such other officers as they may deem necessary for the transaction of business, to hold their office till the first Monday in January, or during good behavior, and until their successors shall be duly elected and installed; and all subsequent elections of officers shall take place at the annual meeting on the first Monday in January of every year; but should an election fail to be held at that time, or in case of vacancy in office, an election may at any time be held to fill any or all offices, upon notice first being given of thirty days, by publication in some newspaper of Kentucky, of the time and place of said election.

§ 7. Should any or all of said offices become vacant, and remain so for one year, or should no election be held within one year after the regular term of office shall have expired, any fifteen of the members of said society in good standing may organize as in the beginning, upon giving notice as is required in the sixth section of this act.

§ 8. The board may fix the salary of its officers, prescribe their duties, and the amount and conditions of such bonds as they may require of them, and do all other acts within the purview of this charter, and not inconsistent with law.

§ 9. A majority of the directors, or three of them with the president or vice president, shall constitute a quorum to do business; and in the absence of the president or vice president, the members present being a majority of the board, may appoint such officer *pro tem*.

§ 10. A full record of all the proceedings of the society shall be kept, subject at all times to inspection by its members and others interested.

§ 11. When the number of members has been increased to five thousand, the board of directors may organize a new class or classes on the same principles, which may in like manner be increased to five thousand; and membership fees

paid into the treasury for a fund may be invested in such property as the society by its board may direct.

1876.

§ 12. Upon notification of the death of a member, each surviving member shall pay into the treasury one dollar and ten cents, one dollar of which from each member is to constitute a fund to be paid for the benefit of the widow and children of the deceased member, and the remainder is to defray the expenses of the society in collection, &c.

§ 13. The fund created in section twelve for the benefit of the widow and children of the deceased member shall be paid to them by said society within sixty days, or to their trustees, in the discretion of the society, subject, however, to be appropriated for their benefit, share and share alike. If the deceased should leave a will otherwise distributing it, then it is to be appropriated according to his will; or if he makes no will, and leaves no widow or child, it shall vest and remain in said society, and be added to its fund, or be appropriated as the society may deem expedient.

§ 14. No part of the stock or interest which any member or his widow or children may have in said society shall be subject to any debt, liability, or legal or equitable process against him or any of them.

§ 15. Upon the payment of the amount named in the third section of this act, the society shall cause a certificate of membership to be given to the member paying it, with stipulations according to the terms of this charter, and according to such by-laws as they may make and publish, not inconsistent herewith.

§ 16. The directors shall present a full report of the condition and work of the society annually, at the close of each term of office, to be subject to the inspection of the society.

§ 17. The by laws may regulate the time of all regular and called meetings of the board, the rules, manner and form of voting, and may regulate all other business not inconsistent with this charter, and may fix the rules by which the society may adjudicate upon the rights, duties, and forfeitures of the members of said society.

§ 18. No member shall, in any way, be personally responsible for any liability of the society; but the property of the society, as a corporation, alone shall be liable for all just claims against the corporation.

1876. § 19. If the board choose, they may constitute agencies and branch offices anywhere in Kentucky, and their object being merely to provide for the widows and orphans of Patrons of Husbandry, therefore said society shall be exempt from the payment of any State or county tax or license.

§ 20. When the membership of said society shall reach the number of twelve hundred, the society, through their directors, shall have the power to increase the membership fee fifty per cent.; and when it reaches the number of twenty-five hundred, they may increase them one hundred per cent.

§ 21. *Be it further enacted*, That this act be exempt from any laws conflicting with it, and be in force from and after its passage.

Approved March 7, 1876.

CHAPTER 443.

AN ACT to amend the charter of the town of Adairville, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Adairville, in Logan county, be, and it is, amended as follows: If any person shall fail to replevy or pay any judgment rendered against him for violation of any law or ordinance of said town, he shall be confined in the county jail of said county one day for every dollar or fraction of a dollar of such judgment and costs: *Provided*, Said town of Adairville shall pay all costs and fees on account of such committing and detaining.

§ 2. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 444.

AN ACT for the benefit of common schools in Barren county.

WHEREAS, Sundry citizens of Barren county were included in a school district created by legislative enactment, and are more convenient to schools in other districts; and whereas, the trustees of said district, the school commissioners, and all other parties interested, deem that it would be equitable to exempt them from the boundary provisions of said law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1876

§ 1. That the school commissioner of Barren county be authorized to exclude from the boundary lines of Urania common school district, No. 86, such families as, in his best judgment, are more convenient to school in contiguous districts, and to assign them to districts in connection with which they may receive the best educational advantages.

§ 2. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 445.

AN ACT to regulate tolls on turnpike roads in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter no tolls shall be charged by the board of directors, or any officer thereof, of any turnpike road in the county of Owen, in which the county has taken stock, by taxation or otherwise, against children going to or from school, or persons who are going to or from places of worship.

§ 2. For any violation of section first of this act, the board of directors of such road shall forfeit and pay to the party from whom toll was so collected, their parents or guardians, the sum of five dollars for each offense.

§ 3. Any person attempting to defraud the managers of such road, by falsely representing that they are entitled to the provisions of the first section of this act, shall forfeit and pay to such company a sum not exceeding five dollars for each offense; said sum to be recovered by suit in the name of the company.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 7, 1876.

1876.

CHAPTER 446.

AN ACT to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Mount Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Corporate Powers, Boundaries, and Wards.

Corporate
powers.

§ 1. That so much of the county of Montgomery as is embraced within the present limits of the city of Mount Sterling, as hereinafter named, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the City of Mount Sterling; and by that name may have perpetual succession; sue and be sued, in all courts at law or in equity; may contract and be contracted with; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may lease, sell, and convey, or otherwise dispose of the same.

City invested
with lands, tene-
ments, &c.

§ 2. And said city is invested with all the lands, tenements, hereditaments, and all the goods, chattels, moneys, revenues, rights, and demands in possession, or expectancy of the town of Mt. Sterling; and shall be bound by all contracts, and responsible for all debts, demands, and liabilities, of whatsoever kind, against said town, in the same manner, and to the same extent, as before the adoption of this act.

Streets estab-
lished.

§ 3. All the streets, alleys, roads, lanes, and commons now open to the public for travel, and now established in said town, are hereby declared to be streets, alleys, roads, lanes, and commons of the city of Mount Sterling.

Boundary.

§ 4. The corporate limits of the city of Mount Sterling are hereby established as follows: Beginning at a stone on the west side of Maysville street, 102 feet northward of Garnett Reed's house; thence 170 feet N. 71° 45' E.; thence S. 84° E. 3,380 feet; thence S. 18° 15' E. 5,250 feet; thence S. 71° 45' W. 6,680 feet; thence N. 18° 15' W. 3,863 feet; thence N. 27° 45' E. 4,020 feet; thence N 71° 45' E. 520 feet to the beginning. For a more partic-

ular description of said boundary, and for establishing and fixing the same, reference is made to the survey and map made and drawn by Col. R. H. S. Thompson, civil engineer, as of date September, 1872, and now on file with the archives of said city. 1876.

§ 5. Said city shall be laid off into four wards : ward No. 1 shall contain all that part of the city north of Main street and west of Maysville street; ward No. 2, all north of Main street and east of Maysville street; ward No. 3, all south of Main street and east of Maysville street, and its line of prolongation; and ward No. 4, all south of Main street and west of Maysville street, and its line of prolongation. Wards laid off.

§ 6. In all suits or proceedings against said city, service of process shall be upon the mayor, or, in his absence from the city, upon the clerk of the city council. Service of process upon city.

ARTICLE II.

Distribution of the Powers of Government.

§ 1. The corporate powers of the city of Mount Sterling shall be divided into three distinct departments, namely : the legislative, the executive, and the judiciary. Divisions of departments.

ARTICLE III.

Legislative Department.

§ 1. The legislative powers of the city of Mount Sterling shall be vested in a mayor and four councilmen, to be styled the city council of Mount Sterling. In whom legislative powers are vested.

§ 2. No person shall be eligible as a member of the city council who is not a male citizen and legal voter of said city, and owner of real estate therein, and who has not been a continuous and bona fide resident thereof for at least one year next preceding his election, and who is not a resident of the ward for which he is elected (except the mayor, who may be a resident of any ward), and who shall be, directly or indirectly, interested in any contract with said city, or in any application therefor; and if, after election, any member of the city council shall remove from the city or ward for which he was chosen or elected, or shall die or resign his office as Eligibility of members of city council.

1876. councilman, or accept any office, post, employment, or agency, the holding or discharging of which would have rendered him ineligible as a member of the city council, or do any other act or thing which would have rendered him ineligible as a member of said council, his seat as such member shall be thereby vacated.

Stockholders in corporations may be eligible as councilmen.

§ 3. Stockholders in corporations may be eligible as members of the city council, but shall not vote on any question, directly or indirectly affecting said corporations, or any right or duty under the same, or contract or agreement between such corporations and the city of Mount Sterling.

City officers to take oath, and form of oath.

§ 4. Each member of the city council, and all other city officers, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath required by the Constitution and the laws of this Commonwealth, take, in substance, the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully, without fear, favor, or affection, perform the duties of the office of ——— of the city of Mount Sterling, according to law." The oath or affirmation to be administered by any officer who is authorized by law to administer oaths; and a certificate thereof shall be noted on the journal and filed with the records of the city.

Terms of office of city council.

§ 5. The members of the city council shall hold their offices for the term of two years from and after their election, and until their successors shall be elected and qualified, save as hereinafter provided.

Journal to be kept.

§ 6. The city council shall keep, or cause to be kept, a correct journal of all their proceedings.

When council shall meet, & who shall call special meetings.

§ 7. The city council shall meet on the first Tuesday in each month, and shall designate by ordinance the place of their meetings. The mayor, or any two councilmen, may call special meetings when, in his or their opinion, the interests of the city demand it.

Charter, together with ordinances and by-laws, to be published.

§ 8. Immediately after the adoption of this act the city council shall cause to be published, in pamphlet form, with a full index and marginal references, this charter, together with the ordinances and by-laws of the city, the

latter to be published at least once in every three years thereafter; but said ordinances and by-laws shall not be published as herein directed, until after their revision and codification.

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§ 9. The compensation of the city council shall be as follows: The mayor not exceeding fifty dollars per annum; the other members not exceeding twenty-five dollars per annum.

Compensation of city council.

§ 10. No member of the city council shall be compelled to serve as a juror in any of the courts of this Commonwealth during his term of office.

Members of city council exempt from service on juries.

§ 11. The city council may, by ordinance, prescribe the rules of their proceedings, and by proper penalties enforce the same, and punish members of said council for disorderly behavior during the sessions or meetings of said council.

Council may prescribe rules of proceedings, and enforce same

§ 12. A majority of the city council shall constitute a quorum to transact business, and pass and enact laws and ordinances: *Provided, however,* That no ordinance incurring a liability, or requiring the appropriation of an amount exceeding five hundred dollars, shall be valid, unless the same be voted for by each member of the city council; and no ordinance of a penal nature, nor fixing the rate of taxation, nor one incurring a liability, or requiring an appropriation of an amount exceeding two hundred and fifty dollars, shall be valid, unless the same be voted for by at least three members of the council; but if, on a vote to appropriate more than two hundred dollars, as many as three members of the council are in favor of the same, but not the required number, then the proposition to make said appropriation shall lay over until the next regular meeting of the council, and the vote again be taken; and if each member does not vote for the appropriation, and three members still favor the same, then the council may order an election to be held by the qualified voters of the city, at such time and in such manner as they may prescribe, to determine whether said appropriation shall be made or not; and if a majority of the qualified voters of the city vote for the appropriation, then the

Limitation on power to appropriate money, & what shall constitute a quorum.

1876. council, at its next meeting thereafter, shall make the said appropriation; and on the passage of such ordinances or appropriations as named above, the yeas and nays shall be recorded in the journal.

Any member to have yeas and nays recorded.

§ 13. Upon all questions voted upon by the city council, any member shall have the right to call for the yeas and nays, and have the same recorded in the journal.

Penal laws to be published.

§ 14. No ordinance of penal nature shall have the force of a law until the same shall have been published at least once in some newspaper published in the city of Mount Sterling.

To levy taxes & cause the same to be collected.

§ 15. The city council shall have power within the limits of said city, in addition to the other powers granted to and vested in them by this charter—

1st. To levy and cause to be collected a per capita and ad valorem tax within the limits prescribed in this charter.

To provide for payment of debts, &c.

2d. To appropriate money and provide for the payment of the debts and expenses of the city.

To prevent spreading of diseases, &c.

3d. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within one mile of the boundaries of the city.

Establish hospitals and pest-houses.

4th. To establish hospitals and pest-houses, and make regulations and rules for the government of the same.

To secure general health.

5th. To make rules and regulations to secure the general health of the inhabitants of the city.

To prevent and remove nuisances, &c.

6th. To prevent, abate, and remove nuisances at the cost and expense of the owners or occupiers, or of the parties upon whose grounds they exist, and to define and declare, by ordinance, what shall be a nuisance within the limits of the city; and they may, by ordinance, affix the penalty for keeping, causing, or committing a nuisance, which shall be by fine in the city court not exceeding ten dollars for each day the same is continued after notice.

To provide water, &c.

7th. To provide the city with water by means of springs, wells, cisterns, or otherwise; to erect hydrants, fire-plugs,

and pumps in the streets, within or beyond the limits of the city, for the convenience of the inhabitants of the city and its environs.

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8th. To establish, erect, and keep in repair bridges, culverts, sewers, and dams, and regulate the use of the same.

To erect bridges, &c.

9th. To provide for the lighting of the streets, market-houses, and public buildings, rooms, and offices of the city.

Lighting streets, &c.

10th. To appoint, support, and regulate policemen, night-watches, patrols, and prescribe their duties and compensation.

Appoint policemen, &c.

11th. To erect suitable market-houses; to establish market-places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of such as are stale and unwholesome.

Erect market-houses, &c.

12th. To provide for the erection and repair of all needful public buildings, and for inclosing and improving all public grounds belonging to the city.

Erect public buildings and improve grounds.

13th. To license, tax, and regulate auctioneers, retailers, private boarding-houses, coffee-houses, and gift stores, peddlers, insurance agents, brokers, pawnbrokers, tobacco factories, warehouses, and public halls.

License auctioneers, &c.

14th. To license, tax, and regulate hackney carriages, coaches, omnibuses, carts, drays, and wagons.

License coaches, &c.

15th. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements, circuses, menageries, and museums, and impose a license tax on any trade, business, profession, or occupation carried on and conducted within the limits of the city.

License circuses, &c.

16th. To license, tax, regulate, restrain, prohibit, and control in said city all taverns, victualers, confectioners, retailers of spirituous liquors, alleys for nine or ten pins, all houses of public resort, billiard-tables, pigeon-hole tables, bowling-saloons, tippling-houses, lager beer, ale, and eating-houses; but in no case shall the tax or license exceed two hundred dollars per annum; and no license.

License taverns, &c.

1876. granted by said council shall authorize the holder thereof to transact business until he shall have obtained such other license as the law may require; nor shall any license authorize any person to transact business in said city until the city license shall have been granted and fully paid for; and nothing in this section shall prohibit merchants other than retailers from selling liquors as now authorized by law.

Suppress gaming, bawdy-houses, &c.

17th. To suppress gaming, drunkenness, gambling-houses, bawdy-houses, or houses of prostitution, street-walkers, and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders; and may provide for the prevention and punishment of any person who shall rent property to prostitutes, or shall suffer their property to be used or occupied by lewd or disorderly persons, and may prescribe by ordinance such penalty therefor as they may think proper.

Establish fire companies, &c.

18th. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same, when built contrary to the ordinances of the city; to appoint fire wardens and property guards, with full power to arrest and keep away from the vicinity of any fire occurring in said city idle or suspicious-looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing fires, and to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent the purloining or stealing goods or property at such fire, and such other power and duties as may be prescribed by ordinance.

Storage of powder, &c.

19th. To regulate and control the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials.

Erect scales, &c.

20th. To erect and keep in repair accurate public scales, and appoint a public weigher, and to fix his compensation for his services.

Levy and sale of property, &c.

21st. To provide for the levy and sale of the real and personal estate of all persons against whom or whose

property a per capita or ad valorem tax is assessed under this charter, the regulation prescribed not to be in conflict with the provisions hereinafter provided.

1876.

22d. To erect a work-house and house of correction, and provide for the regulation and government thereof; and also to erect a poor-house, and provide for the maintenance and keeping of the city poor therein.

Erect a work-house, house of correction, poor-house, &c.

23d. To elect a city attorney, clerk (who shall also be clerk of the city council), marshal, collector, treasurer, assessor, warden of the city work-house, keeper of city poor-house, keeper of house of correction, and health officer (ex officio city physician), prescribe their duties, fix their fees and compensation, and provide for the payment of the same.

City attorney, collector, marshal, treasurer, assessor, clerk, &c.

24th. To elect, fix, and provide for the payment of the compensation of all city officers, servants, or agents not otherwise provided for by this charter, and regulate and provide for the payment of all jurors, witnesses, and others for services in behalf of said city under this charter.

Elect other city officers, and pay jurors, witnesses, &c.

25th. To establish rules to enforce a faithful and honest discharge of the official functions of all officers of the city, and to prescribe the penalty for their non-observance.

To enforce rules for faithful discharge of duties.

26th. To remove from office any member of the city council or judge of the city court for willful or corrupt misconduct in office, or for willful failure and neglect to discharge the duties required of them, or either of them, and to remove at pleasure any city officer, agent, or servant elected by the council; but in cases of impeachment the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial, and which charges or allegations shall be spread upon the records of the city council.

To remove from office members of council & others.

27th. To declare and announce, by proper ordinance, all vacancies in office arising from any cause whatever, and fill the same by the election of a suitable and eligible person, who shall take the appropriate oaths of office, and, when necessary, execute the proper bonds, and en-

To declare vacancies, and to fill same, &c.

1876. ter upon and discharge all the duties of his office until the expiration of the term for which he is appointed or elected.

To make rules
for maintaining
good order, and
for interest of
trade, &c.

28th. To make such rules, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Mount Sterling, and for the interest of trade, commerce, and manufactures thereof, as the council may deem expedient and necessary, not repugnant to the Constitution of the State of Kentucky, and to enforce the observance thereof by prescribing penalties and fines for the violation thereof; and to make all ordinances which shall be necessary and proper for the carrying into effect the powers vested by this act in the corporation, the city government, or any department or office thereof.

Vagrancy.

29th. To define, by ordinance, what shall constitute vagrancy, and to declare who are vagrants, and prescribe proper penalties and punishment therefor.

Peddlers.

30th. To define, by ordinance, what shall constitute peddling, and declare who are peddlers.

Suppression of
riots, &c.

31st. To provide for the prevention and suppression of any riot, rout, breach of the peace, noise, disturbance, disorderly or unlawful assembly in the streets, houses, or other places in the city, or any violation of any city ordinance, and for the arrest, confinement in the work-house of said city, or jail of Montgomery county, and to provide for the trial of the parties committing, engaging in, or taking part in, or aiding or abetting the same. The city council shall have power to prescribe the penalty for any violation of the city laws or ordinances, provided it shall not exceed ninety days' imprisonment in the work-house or county jail, or fine not exceeding one hundred dollars, or both. All persons arrested in said city shall have a speedy trial; but if arrested after six o'clock, P. M., may be confined, by the officer making the arrest, in the city work-house or county jail, until the succeeding day; and in such cases the jailer of Montgomery county, or warden of the work-house, shall receive the party under arrest without an order of commitment, and safely keep

him until he is released for trial; if the jailer or warden refuses to receive such prisoner when in custody of an officer, he shall be fined for such refusal not less than five dollars nor more than fifty dollars.

1876.

32d. To prevent and remove any and all encroachments and obstructions into or upon any street, alley, sidewalk, lane, avenue, or public square established by this charter or by ordinance; to regulate, modify, and change the grade and width of streets, alleys, lanes, avenues, sidewalks, pavements, and sewers, and to have and exercise complete and perfect control over same, and over all public squares or commons belonging to the city or within the city limits, and over all property, real or personal, belonging to the city.

To prevent obstructions, &c., on streets, sidewalks, &c.

33d. To provide for the prevention of training or breaking horses, of exhibiting stallions, jacks, or bulls in the public streets and places of the city, and to prevent and punish fast riding and driving in buggies, hacks, and all other vehicles within the city, and to regulate the speed of all railroad trains, locomotives, and cars within the city limits.

Training horses and public show of stallions and other stock on streets.

34th. To provide for the removal from the limits of the city, or for killing mischievous, vicious, and diseased animals, and for the punishment by suitable fines and penalties of the owner and keeper of such animals for allowing them to go at large, and to impose a tax on the owners of domestic animals running at large in the city.

Removal of vicious and diseased animals.

35th. To grant the right of way over the public streets, or other public grounds of the city, to any railroad company for railroad purposes, for such time, in such manner, and on such conditions as to them may seem proper and to the best interests of the city.

Grant the right of way over streets, &c.

36th. To make appropriations in the manner prescribed by this charter in aid of railroads and turnpikes starting from, terminating at, or passing through the limits of the city, upon such terms and conditions as may be agreed upon by contract between the city council and the railroad or turnpike companies.

To make appropriations to railroads, turnpikes, &c.

1876.

Purchase lands,
&c.

37th. To purchase lands for and locate cemeteries, either within the city limits or elsewhere in Montgomery county, and exercise full and complete control over the same for its proper management and regulation.

To suspend
license, &c.

38th. To suspend, either indefinitely or for a limited period of time, any license which the council may have granted to any person doing any business under a license in said city, whenever said council are satisfied that any such person, from any cause whatever, should forfeit said license: *Provided, however,* That no license shall be suspended until the party accused has had at least five days' previous notice, in writing, of the intention to suspend said license, and has had opportunity to show cause, if any he has, before the council, why said license shall not be suspended; and the council may prescribe, by ordinance, the penalty for any party continuing business whose license has been declared forfeited by, or who shall not have obtained a license from, the city council.

To compel
owners of prop-
erty to improve
same by side-
walks and other-
wise.

39th. To order and compel the owner of any lot, piece or parcel of ground, within the city, at his own costs and expense, to grade, pave, construct sidewalks, culverts, curbing, guttering, and otherwise improve that portion of such lot, piece or parcel of ground, which binds upon and adjoins any street, lane, avenue, alley, public road, or public square, in said city; and if any such owner shall fail and refuse, for thirty days, to obey said order, after being notified of the same, which notice shall be by the delivery by the city marshal, or by any sheriff or constable of the State of Kentucky, of a copy of said order, attested by the clerk of the council, to such owner; or if the owner be a non-resident of the county of Montgomery, then the notice shall be by the publication of said order, for one month, in any newspaper in said city—then the said council may order the same to be done at the cost and expense of the city; and said city shall have a lien upon such lot, piece, or parcel of ground, for the money so expended, together with all costs and expenses, legal and extraordinary, attending the collection of the same, and may cause said lien to be enforced in the same

manner as is prescribed for the enforcement of mechanics' liens in chapter seventy of the General Statutes of Kentucky; and the city court is hereby given jurisdiction concurrent with the Montgomery circuit court of causes of actions arising hereunder.

1876.

40th. To receive, alter, abolish, widen, straighten, extend, grade, pave, gravel, and otherwise improve, clean, and keep in repair, and to open and lay off new and additional streets, sidewalks, alleys, avenues, lanes, and public grounds, in such manner as they may prescribe by ordinance; and whenever it may become necessary to procure property for any of the above purposes, or for other municipal purposes, in said city, the city council may, by ordinance, provide for the purchase of any designated property; and the mayor shall tender to the owners of the property, if adults, the purchase money, and make the purchase, if accepted; but if the owner refuse to sell at such price, or if the owner be an infant, married woman, or non-resident of the State, or labor under any other disability, then the property may be condemned by writ of *ad quod damnum* in the name of the city of Mount Sterling against all owners or persons interested in said property, or any part thereof; said writ to issue and the proceedings thereunder to be had as prescribed in the succeeding section.

To open new streets, &c., by writ of *ad quod damnum*.

§ 16. The writ of *ad quod damnum* authorized herein shall be issued by the judge of the Mount Sterling city court, or the judge of the Montgomery county court, when there is filed before him a statement by the attorney for the city of the purposes for which the land or property sought to be condemned is required, together with a copy of the survey of said land or property.

Writ of *ad quod damnum*—how issued.

1st. The said writ shall designate the land or property to be condemned, and may include that of several persons, and shall be directed to the marshal of Mount Sterling or to the sheriff of Montgomery county.

To whom directed.

2d. It shall direct him to hold an inquest by a jury of twelve impartial discreet freeholders of the county or city, at or near the land or property, to ascertain the

What writ shall contain.

1876. amount of damage each owner will sustain if it be condemned for the purpose asked.

How executed.

3d. The officer to whom the writ is directed must, before executing the same, give the party whose land or property is required, at least five days' notice of the time and place of holding the inquest, if in the county; and if not in the county, then to his agent; and if there be no known agent in the county, then to the tenant; and if there be no tenant, then by public written notice for two weeks at the court-house door in the city of Mount Sterling, shall be sufficient notice; but if the land or property required shall belong to infants or persons of unsound mind, in whole or in part, the officer shall notify the testamentary, or statutory, or natural, or committee guardian, or next friend; and if none in the county, then it shall be the duty of the court issuing the writ to appoint some responsible person to act for such infant or person of unsound mind, on whom the officer shall execute the notice in writing, whose duty it shall be to attend the inquest, and take care of the interests of the infant or person of unsound mind, and to traverse the finding of the jury if in his opinion it is to the interest of the person for whom he is appointed so to do.

Challenges.

4th. Besides challenges for interest or kinship, each party may challenge three jurors without cause.

How sworn.

5th. The jurors shall be sworn truly and impartially to ascertain and determine by their inquest the amount of compensation each owner will be entitled to if his land or property, as named in the writ, is condemned.

Verdict signed and returned.

6th. The inquest shall be signed by each juror, handed to the officer holding the inquest, and returned by him with the writ within three days to the court whence the writ issued.

If jury cannot agree, to adjourn from time to time, &c.

7th. If the jury cannot agree, or the requisite number do not meet on the day fixed, the officer may discharge it and summon another jury or other juries; and if from any cause the inquest cannot be held or completed on the day appointed by him, he may adjourn it from time to time until it is held and completed, without further notice than his proclamation made at the time.

8th. The jury, after being duly sworn by the officer holding the inquest, shall view the land and property of the owners, and shall allow the fair cash value of the same; also fair compensation for the additional fencing which may be rendered thereby necessary; and also for all incidental or collateral damage which the said taking will produce to the other land of the owner; but for such incidental or collateral damage shall be deducted the amount in value of the benefits and advantages such other land will derive from the said condemnation and taking.

1876.

Jury to view land, and what to allow.

9th. If a person claiming damages has only an estate for life or years, and the remainder in fee belongs to another, the jury shall apportion the damages between them.

An estate for life or years, jury to apportion damages, &c.

10th. The verdict of the jury shall be in substance as follows: We, the jury, find that said ———, named in the writ herein, will sustain ——— dollars damages, in taking the required land or property for the purposes named, and we have taken into consideration, in making up our verdict, the fair cash value of the ——— proposed to be taken, the benefits and advantages to them, and the damages to be sustained by the construction or erection of the ———.

Form of verdict.

§ 17. Either party may, within ten days after the finding of the inquest, file a traverse thereof with the clerk of the circuit court, whereupon the case shall be docketed for the next term, and shall stand for trial at that term if it is in ten days after the inquest, otherwise at the next term. It shall be tried by a jury of freeholders empaneled for that purpose. The party failing on the traverse shall pay the costs thereof, and the party traversing fails when the verdict traversed is not increased or diminished as his interest may require. The costs of the inquest up to the traverse shall be paid by the party asking the condemnation: *Provided, however,* That if the amount finally recovered be no grater than the amount tendered before the application for the writ, then the said costs shall be paid by the owner or owners of the land or property. Either party may have the decision revised in the Court of Appeals.

Traverse.

1876.

Appeals not to
stay proceedings.

§ 18. No appeal or supersedeas or traverse, on behalf of the owner of the land or property, shall stay the judgment, or stop proceedings thereunder, except as provided herein.

Confirmation,
and city vested
with property,
&c.

§ 19. In all cases where a writ of *ad quod damnum* shall be issued, and a verdict found under this act, and the same be not traversed, the city (or its representative) may tender to the owner of the land or property, or pay into the court whence the writ issued, the amount of the verdict of the jury; and thereupon the said court shall make an order confirming the verdict; and such confirmation shall vest the right to the land or property in the city, and a writ of possession may issue at any time therefor.

When traversed
by owner, bond
to be given, &c.

§ 20. When the finding of the jury is traversed by the owner of the land or property, the city (or any one representing it) may file a bond in the clerk's office where the traverse is pending, conditioned for the payment to the party entitled to the same of the final assessment of damages and costs in the case; said bond to be signed as vouchers of the city are now signed, and to be binding on the city, but not to be binding on the parties individually who may sign it as mayor or clerk of said city, and pledge the city's credit to its performance; and the clerk of the said court shall not require any security on said bond; and upon the filing of same, it shall be lawful for said city to proceed with work as though the damages were finally assessed and paid, and no action for trespass shall lie therefor.

When damages
settled in circuit
court, writ of pos-
session to issue.

§ 21. When the damages for the taking are settled on a traverse in the circuit court, the said court, upon a tender being made in court of the said damages, or payment or tender thereof to the owner, shall confirm the verdict of the jury, which confirmation shall vest the land or property required in the city, and a writ of possession may at any time issue therefor.

If damages not
paid within six
months, prosecu-
tion abandoned.

§ 22. If the damages assessed are not paid before the end of six months next ensuing the verdict (unless there is a traverse pending), the applicant shall be considered as having abandoned the prosecution of the writ, and all former proceedings shall be of no effect.

§ 23. Any person who shall hinder or attempt to prevent the use of any right or privilege derived from the condemnation shall pay the city damages and costs, and any additional amount not exceeding one thousand dollars; and any person who threatens so to hinder by violence may be brought before the city judge, or county judge, or justice of the peace, and be required to give bail in the penalty of one thousand dollars, with good security, to keep the peace and be of good behavior for the next six months.

1876.

Any person who hinders or prevents any right of city after property condemned, to be fined.

§ 24. The writ provided for herein shall be in substance as follows: The Commonwealth of Kentucky, to the sheriff of Montgomery county, or marshal of the city of Mount Sterling, greeting: You are commanded to summon and empanel, on some day to be fixed by you, a jury of twelve freeholders not personally interested in the matter, or related to the parties, and citizens of the State, to inquire what damages, if any, ——— will sustain by reason of the city of Mount Sterling taking the ——— for the purpose of ———, considering the convenience and advantages the party will have by the ——— thereof, and the damages the party will sustain by reason of the ———; and that you will, in all things, execute this writ according to law, and make due return thereof within three days of the execution of it. Witness ——— judge of ——— court this — day of ———, 18 .

Form of writ.

ARTICLE IV.

Executive Department.

§ 1. The mayor of the city of Mount Sterling shall hold his office for the term of two years, and until his successor is elected and qualified. He shall be the chief executive officer of said city; he shall preside at all meetings of the city council, decide points of order, and shall have the power, during the sessions of said council, to enforce good order and decorum, and to punish contempts as presiding judges of the circuit courts have given them by law.

Term of office of Mayor; his duties and powers.

1876.

Require re-
ports from offi-
cers.

§ 2. He may require information, in writing, from all officers of the city, on any subject relating to their respective offices, and shall perform and discharge such duties as may be prescribed, from time to time, by ordinance, not inconsistent with this charter.

May call meet-
ings of council.

§ 3. He may call special sessions of the city council whenever, in his judgment, it may be deemed necessary or to the interest of the city.

Shall see that
laws are enforced

§ 4. He shall have the care and superintendence of the public property of the city, unless the council shall, by ordinance, otherwise provide; and he shall see that the laws and ordinances of the city are duly enforced and observed, and faithfully executed.

To be a con-
servator of the
peace.

§ 5. He shall be a conservator of the peace; and when deemed necessary by him to enforce the laws and ordinances of the city, to save life or property, or to quell riots, routs, or breaches of the peace, he may summon into service any of the citizens of said city, or Montgomery county, either civil or military; and in such cases he must be present and command in person; and the council may, by ordinance, prescribe suitable fines and penalties for disobedience of his order or summons.

Casting vote, &c.

§ 6. He shall give the casting vote whenever the city council may be equally divided upon any question or ordinance, and shall be entitled to vote upon any question requiring a full vote of the council, or three votes of the council.

May remit
fines, &c.

§ 7. He may, upon due investigation, and in the exercise of a sound discretion, remit any fine, penalty, or forfeiture incurred or imposed by or under any ordinance of the city, and may discharge from the work-house or jail any person therein confined for violation of such ordinance.

In case of death,
&c., how vacan-
cy to be filled.

§ 8. In case of the death, resignation, removal from office, inability or refusal to act, or temporary absence of the mayor, the members of the council shall elect one of their number as mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor until the disability be removed, or, in case of permanent vacancy

in said office, until it shall have been filled, as provided herein. 1876.

§ 9. The mayor shall have power to administer oaths. Power to administer oaths.

ARTICLE V.

Judicial Department—City Court and City Judge.

§ 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled the Mount Sterling City Court, which shall be held by a judge, to be styled the Judge of the Mount Sterling City Court, who shall be elected by the qualified voters of the city at the time of the general election for the city council, and shall hold his office for the term of four years, and until his successor is duly elected and qualified. City court.

§ 2. Said court shall have exclusive jurisdiction of all misdemeanors under the laws and ordinances of the city, and such other jurisdiction as is hereinafter stated, and shall have all necessary power to effectuate the jurisdiction given; it shall also have the power and jurisdiction of an examining court of Montgomery county, and shall, as such court, have the power and perform the duties of two justices of the peace; may take recognizances and bail bonds for appearance in said court, in any case cognizable in said court; and also recognizances and bail bonds in cases of felony and misdemeanors, which shall be for an appearance in the circuit court, or in any court of competent jurisdiction in said county; and shall hear all complaints of breaches of the peace, and require surety for the same; and shall have power to commit to the work-house or county jail; and for violation of penal laws of the State or ordinances of the city to impose such fines and penalties as may be prescribed by the laws of the State or the ordinances of the city, to the amount of twenty dollars, and with the intervention of a jury, or without a jury, if it be waived by the party charged, to the amount of one hundred dollars, or imprisonment not to exceed six months, or both. Said court shall have concurrent jurisdiction with justices of the peace in cases of disturbing religious worship, riots, disorderly conduct, unlawful assemblies, and Jurisdiction in penal and criminal cases.

1876. breaches of the peace, and in all cases within the jurisdiction of justices of the peace as now or hereafter given by general law. Appeals from said court in criminal cases shall be governed by the laws and regulations in appeals in like cases from justices' courts.

Jurisdiction in
civil cases.

§ 3. Said court shall have concurrent original jurisdiction in all matters, both in law and equity, within the limits of Montgomery county, with justices of the peace, in all actions and proceedings for the recovery of money and personal property, where the matter in controversy, exclusive of interest and costs, does not exceed fifty dollars in value, and concurrent original jurisdiction with the circuit court, where the matter in controversy is over fifty dollars in value, but does not exceed one hundred dollars in value, exclusive of interest and costs; and the jurisdiction herein conferred shall attach without the consent of the defendant, in writing or otherwise.

When title to
real estate in-
volved.

§ 4. If, in any action in the city court, except as herein provided, it shall appear, during the pendency thereof, that the title of real property is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring it to the circuit court of the county, and to deliver the original papers and certified copies of all orders made in the action to the clerk of the circuit court, who shall docket the same, and on which the same proceedings shall be had as though the action had been brought originally in that court; but if judgment be rendered by the city court, the title to any real estate involved therein shall not be affected thereby.

Motion against
officers, &c.

§ 5. Said city court shall have jurisdiction within Montgomery county concurrent with justices' courts of motions against constables and their securities, and against any officer of the city of Mount Sterling and his securities, or any one of them, or the personal representatives of any one or more of them, jointly with the survivors, for any money collected by them, or any of them, on any execution, order of sale, or fee bill, or any note or account or other claim, put in their hands for collection, and which,

on demand, they shall neglect or refuse to pay ; and also to issue and try warrants of forcible entry and detainer. 1876.

§ 6. The city court shall be holden at such place within the city as the city council may designate, or, they failing to designate and provide a suitable place, at such place as the judge may select. Place of holding court.

§ 7. All proceedings in, and process from, the city court, in criminal and penal cases, where fines are imposed under the State laws, shall be in the name of the Commonwealth; all other proceedings and process in such cases shall be in the name of the city of Mount Sterling. The process shall be made returnable to the city court, and may be directed to the marshal of the city, or to any peace officer of the Commonwealth; and the officer executing the process of said court shall be entitled to like fees for like services, and to the same remedy for the collection thereof, as sheriffs of the State; and shall be subject to the like fines and penalties for like offenses and failures. Process in civil cases returnable to the city court may be directed to the city collector, or any officer, except the city marshal, authorized to execute civil process, and may be executed by any person to whom it might have been directed. How process to issue.

§ 8. Any party to suit pending in the city court may have a change of venue to any court of competent jurisdiction in Montgomery county upon making oath that he believes he cannot have a fair trial in said city court. Change of venue.

§ 9. The pleadings, practice, and mode of procedure in said city court shall be governed by the Kentucky Code of Practice in civil and criminal cases. Proceedings—how governed.

§ 10. The Mount Sterling city court shall be a court of record, and the records thereof, or certified copies of the same, over the signature of the judge of said court, shall be evidence in any court of this Commonwealth. Court of record.

§ 11. All fines and forfeitures recovered in the city court in the name of, or in favor of, the Commonwealth of Kentucky or the city of Mount Sterling, are hereby granted to the city of Mount Sterling. All fines recovered granted to city.

1876.

When *feri*
facias returned
no property, at-
tachment to is-
sue.

§ 12. A return of no property, on a writ of *feri facias*, issued on any judgment in the city court, shall authorize an attachment, out of equity, in favor of the Commonwealth or of the city of Mount Sterling, against the choses in action or effects of the defendant, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in circuit courts.

Appeals—where
to.

§ 13. Appeals and writs of error shall lie from the decisions and judgments of the city court to the circuit court of Montgomery county in all civil cases where the amount in controversy, exclusive of interest and costs, is fifty dollars and over, and to the Montgomery quarterly court in civil cases where the amount in controversy, exclusive of interest and cost, is ten dollars and over, and in criminal cases as is now and may hereafter be regulated by law.

City court—
when to be open.

§ 14. The Mount Sterling city court, so far as it is a police court and court of inquiry, shall always be open for hearing and determining such cases as a single judge, by the Constitution and laws of this State, may hear and determine without the intervention of a grand or petit jury; and such court may make such rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties and a prompt administration of justice.

Eligibility of
city judge.

§ 15. No person shall be eligible to the office of judge of the city court unless he be a male citizen of the city at least twenty-five years of age, and has resided as a bona fide resident in the limits of the city at least two years next preceding his election, and possess such other qualifications as are required for county judges.

Vacancy—how
filled.

§ 16. Whenever a vacancy shall occur in said office it shall be filled by appointment by the city council until the next June election, when the council shall order an election to fill the vacancy.

City judge to
be commissioned
by the Governor,
and commission
to be recorded;
oath, &c.

§ 17. Before he enters upon his duties, the city judge shall receive from the Governor of Kentucky a commission as such, which shall be granted to him upon his

furnishing a certificate of election from the officers of election; and thereupon he shall, before the county judge, take the oath prescribed by this charter, and such other oaths as are prescribed for civil officers by the Constitution and laws of Kentucky, which oaths shall be indorsed on the said commission by the county judge, and which commission, with its said indorsements, shall be recorded in the clerk's office of the Montgomery county court. 1876.

§ 18. The judge of the city court shall be a conservator of the peace, and may issue warrants of arrest for all offenses against the laws of the State or ordinances of the city; and for those committed within his presence may order arrests without warrant, the persons offending to be dealt with according to the laws of the State or ordinances of the city.

City judge to be conservator of the peace, to issue warrants of arrest, &c.

§ 19. The judge shall have power to fix the time of holding his court as in his discretion the business before him may require; but the regular terms of said court, unless changed by the city judge upon reasonable notice, shall be held on the first Saturday in each month of the year, and may continue from day to day until the business thereof shall have been disposed of.

Court—when held, and to be changed by city judge.

§ 20 He shall have the power and authority to grant injunctions, attachments, restraining orders, writs of *ne exeat* and *habeas corpus*, and to issue warrants in civil and criminal cases, under the same rules and regulations prescribed by law authorizing justices of the peace or the county judge to grant and issue the same. He shall have the power to fine and imprison for contempt, provided the fine shall not exceed five dollars and the imprisonment eight hours. He may take depositions under the same rules and regulations that apply to examine, and shall be entitled to the same fees therefor. He shall have a jury to try all matters before him, if desired by either party, when the amount in controversy, exclusive of interest and costs, exceeds sixteen dollars.

Power to grant injunctions, attachments, &c.

To fine and imprison for contempt.

May take depositions.

When to have jury.

§ 21. The city judge shall act as clerk of his own court, and issue all process returnable thereto; but may appoint

To act as clerk of his court, and may appoint deputy; keep docket, &c.

1876. a deputy clerk. He shall keep a docket, order-book, and executive-book, and such other books as may be necessary.

How books to
be furnished.

1st. All necessary books shall be furnished by the city council.

Return day of
executions.

2d. The court must, by rule, fix a monthly return day of executions, and other rules to govern its proceedings.

When tax of
fifty cents to be
collected.

3d. When the jurisdiction in the city court is concurrent with circuit courts, a tax of fifty cents shall be paid to the city judge, for the purpose and under the same conditions as when such taxes are paid to clerks of circuit courts; and the same rules which govern clerks of circuit courts in the taxation of an attorney's fee shall apply to the city judge.

Election of
special judge—
how governed.

§ 22. The law governing the election of a special judge of a circuit court shall, as to the cause therefor and mode of election, apply to the election of a special judge of the city court, who shall possess the qualifications of the city judge.

Board of super-
visors—how ap-
pointed.

§ 23. The city judge shall annually, at the May term of the city court, appoint a board of three supervisors of the assessor's book, and in case they refuse to act, then he shall, at any time thereafter, appoint others in their place.

Police judge to
be city judge, &
police court to be
city court.

§ 24. The judge of the city court is hereby given all the power, authority, rights and privileges, heretofore vested in the Mount Sterling police judge; and the present incumbent of the latter office is hereby made the judge of the Mount Sterling city court, and vested with the name, together with all the power, authority, rights and privileges, conferred on the city judge herein, and shall continue in office until the expiration of the term for which he was elected; and the name of the Mount Sterling police court is hereby changed to that of the city court of Mount Sterling; but said change shall in nowise affect any proceeding instituted in, or process issued from, or any act or thing done in or with reference to the said police court.

When city judge
to be elected.

§ 25. At the expiration of the term of office of the present police judge, and every four years thereafter,

an election shall be held by the legal qualified voters of the city of Mount Sterling for the election of a city judge to fill said office.

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ARTICLE VI.

Executive and Ministerial Officers—City Attorney.

§ 1 No person shall be eligible to the office of city attorney who is not a qualified voter of said city, and has not been a continuous and bona fide resident thereof for at least two years next preceding his election; and unless he has been a regularly licensed practicing attorney for two years next preceding his election.

City attorney—
eligibility.

1st. It shall be the duty of the city attorney to give legal advice to the city council when called upon, and be present at the meetings thereof; to prosecute all persons in the city court charged with a violation of the criminal and penal laws and ordinances of said city or the State of Kentucky; to institute proceedings for the enforcement of the forfeiture of recognizances and bail bonds in said court, and the enforcement of all judgments against offenders; and for his services in each case he shall be entitled to a fee of two dollars.

Duties.

2d. He shall hold his office for the term of one year, and until his successor is elected and qualified.

Term of office.

§ 2. No person shall be eligible to the office of city clerk, marshal, collector, treasurer, or assessor who is not at the time of his election or appointment a qualified voter of the city, and has not had a settlement with the city, and obtained proper vouchers or a quietus.

City clerk, marshal, assessor, treasurer, & collector—eligibility of.

§ 3. The city clerk, before he enters upon the duties of his office, shall execute a covenant to the city of Mount Sterling, with good security, to be approved by the council, conditioned for the prompt payment to the proper authorities of any moneys collected by him as said clerk, and for the faithful performance of his official duties.

City clerk—duties of.

1st. It shall be his duty to make and keep a full and complete record of the acts and doings of the city council in a book kept for that purpose; and each law, regulation, or ordinance passed by said council shall be spread at large by him on said record, and he shall furnish a

1876. copy thereof for publication whenever required to do so by the council.

2d. It shall be the further duty of said clerk to make and deliver a copy of the assessor's book, as soon as practicable, to the marshal or collector of taxes of said city, and take his receipt for the same.

3d. It shall be his duty to issue such licenses as are authorized by this act, and collect the price therefor in all cases before issuing the same, which he shall pay over, together with any other moneys collected by him, to the treasurer of the city, and report the same to the city council at its subsequent meeting.

4th. The clerk, at the end of each fiscal year, shall make a public *expose* of the financial condition of the city, and therein exhibit the receipts and expenditures for the last fiscal year.

5th. Upon the resignation, removal, or the expiration of his term of office, he shall, upon application, deliver to his successor, or such person as the council may direct, all books, papers, and records belonging to his office, and all furniture and property belonging to the city; and upon failure so to do, he shall be subject to the same fines and penalties prescribed by law for clerks of this Commonwealth.

City marshal.

§ 4. The city marshal shall be elected by the city council, and hold his office for the term of one year, and until his successor is elected and qualified.

Duties of, &c.

1st He shall, before entering upon the duties of his office, execute bond, with security, payable to the city of Mount Sterling, and approved by the city council, conditioned that he will well and faithfully perform the duties of his office, and will pay over and account for all money collected by him upon executions, *capias pro fines*, or otherwise, as marshal, under the penalties and conditions of bonds given by constables for the performance of their duties; and before entering upon the duties of his office, he shall take the oaths herein prescribed; and, in addition to the bond named, he shall execute bond for the faithful discharge of his duties in the collection of the taxes and

revenue of said city, and pay over the same to the proper person; and in all things relating thereto shall be governed by the city council. 1876.

2d. The city marshal shall appoint his own deputies, and may revoke the appointment at pleasure, and shall be responsible upon his official covenant for their acts. Before any deputy marshal shall proceed to act, he shall take the oath required to be taken by the marshal.

3d. It shall be the duty of the marshal to serve all process, precepts, notices, and other thing to him directed, in penal and criminal cases, out of any court in this Commonwealth, and make due return thereof; and he shall have the same power in the service thereof as constables now have under the laws of this State. He shall, within the limits of the city, in all matters of a penal or criminal nature, arising under the ordinances of the city, or under the laws of this Commonwealth, possess the same powers and perform the same duties as sheriffs and constables.

4th. It shall be the duty of the marshal to examine all the streets, alleys, and public places in said city, from time to time, and report all needed improvements and repairs to the mayor, and have said improvements and repairs done, under the advice and control of the city council; to keep the streets of said city clean; to suppress all nuisances; to cause all dead animals found in the public thoroughfares to be removed or buried; to be constantly on the streets of said city, to prevent all offenses against the laws, and to arrest offenders; and he may have the power of the city and county to assist him in the performance of his duties; and any one failing and refusing to assist him, when summoned to do so, shall be fined not less than five dollars nor more than thirty dollars, or imprisoned not more than ten days, or both; and he shall perform these and all other duties, and execute all orders, process, notices, and other things, as said city council may by ordinance prescribe.

5th. Said marshal shall have no power to execute process, collect debts, or do other thing in civil matters, save

1876. as herein provided. He shall be *ex officio* street commissioner, and may be removed by the city council at any time upon failure to perform any of his duties. He shall collect the taxes as herein provided, and receive and enter on the tax-book the list of any person omitted by the assessor or board of supervisors.

6th. The city council may at any time demand the tax-books of the marshal, by giving him ten days' notice of such demand, and may appoint a collector of taxes in his stead, who shall take such oaths and give such bonds as may be required of him by the council.

City collector.

§ 5 The city collector shall be elected by the city council, and shall hold his office for the term of one year, and until his successor is duly elected and qualified. He shall execute such covenant to the city of Mount Sterling as constables are required to execute to the Commonwealth; and he shall have the same power in civil cases that constables have; but said city collector shall have no power in criminal cases, except to execute subpœnas and notices.

2d. The city collector shall attend all the regular sessions of the city court, and perform all the duties in this behalf that are required of sheriffs in circuit courts under the laws of this State; and shall have six months, after the expiration of his term of office, in which to wind up his business.

City treasurer.

§ 6. 1st. The city treasurer, before entering upon the duties of his office, shall execute a covenant, with surety, to the city of Mount Sterling, to be approved by the city council, conditioned for the faithful discharge of all his official duties; and the surety on such bond shall be good for the amount of public money which will come to his hands during his term of office.

2d. He shall be the custodian of the city funds, and shall keep a true and faithful itemized account of all money received and paid out by him, and shall render an account of the same to the city council at the expiration of each three months of the fiscal year, and at such other times as the council may direct.

3d. The treasurer, upon the expiration of his term of office, or upon his resignation or removal, shall deliver to his successor, or to such person as the council may direct, all the public money, books, property or effects under his control belonging to the city of Mount Sterling. 1876.

4th. The city council may, at any time, require the treasurer to execute a new bond, or give additional security; and upon his failure to do so, the office may, by ordinance of the council, be declared vacated.

§ 7. All money of the city raised, collected, or received, by means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury, and the same shall be done by all officers, even when the city may be owing them; and no money shall be drawn therefrom, except by the authority of the city council, upon an order signed by the mayor, and countersigned by the city clerk.

§ 8. The assessor for the city of Mount Sterling, in addition to the oaths herein prescribed, shall take such oath, and shall give such bond to the city, and administer such oath to the person listed for taxation, as county assessors are required by law to take, give, and administer; and shall be controlled, as far as the same are applicable, by the laws of the State prescribing the duties of county assessors, and by such regulations as may be prescribed by ordinance of the city council. City assessor.

§ 9. No person shall be eligible as a member of the board of supervisors who is not a legal voter in the city of Mount Sterling and the owner of real estate therein. Said board of supervisors shall consist of three members, who shall enter upon the discharge of their duties upon their appointment, and shall be discharged upon the completion of their duties. Any member of said board may swear any witness examined before it. It shall be the duty of said board to examine, with care, the assessor's book, and to correct any errors of the assessor whether in fact or in relation to the valuation of the property listed; and in cases where they shall be of opinion that any of the property has not been correctly valued, to fix a proper value on the same; and the said board shall have power Board of supervisors.

1876. to compel the attendance of witnesses before them. The board, during its sessions, may receive the tax list of any person omitted by the assessor, and enter the same upon the assessor's book. They shall annex their certificate that they have examined, corrected, and approved the assessor's book, and leave it with the clerk of the city council. The said board shall in no case increase the valuation of any property fixed by the assessor until the owner thereof shall have had due notice to show cause why it shall not be increased.

ARTICLE VII.

Elections and Terms of Office.

Elections.

Council to provide voting places.

Voting place shall not be in any drinking establishment.

§ 1. The city council may provide one or more voting places in the city, when it may be deemed necessary, and prescribe the limits of each such voting places, within which persons shall be residents to be entitled to vote at each of such places; but no election polls shall be held in any coffee-house or other establishment within which spirituous, vinous, or fermented liquors of any kind are kept or sold.

Officers of election appointed.

Kentucky State laws govern elections, &c.

§ 2. The city judge shall, before every city election, appoint suitable persons as officers of the election—two persons as judges, one as sheriff, and one as clerk of the election; and, if practicable, the officers for each voting place shall be selected in equal numbers from the two principal parties. Officers of all city elections shall be governed in all matters not inconsistent with this charter, and be liable to the penalties imposed by the laws of this Commonwealth governing elections for State officers.

Elections to be *viva voce*.

Hours of opening and closing polls.

§ 3. All elections under this charter by the qualified voters of the city shall be *viva voce*, and shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

Law on illegal voting.

§ 4. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the city of Mount Sterling, for all city offices, subject to all the provisions of this charter touching the qualifications of the voter.

§ 5. The city council shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any city officer shall be heard and determined by the council under such rules as may be prescribed by ordinance.

1876.
Council to judge of qualification of its members, and try contested elections.

§ 6. The poll-books of all elections in the city shall be returned by the clerk of the election to the clerk of the city, who shall keep them on file and issue certificates to the officers elected.

Poll-books returned.

§ 7. The first general election under this charter shall be held on the second Saturday in June, 1876, at which time there shall be elected, by the qualified voters of the city, all officers, except the city judge, directed by this charter to be elected. The councilmen, at the first session of the city council succeeding their election, shall determine, by lot, the length of time each one shall serve; and two of the members of said council shall hold their offices for the term of one year; and two shall hold their offices for two years, as may be determined by lot as aforesaid, and annually thereafter, on the second Saturday in June, an election, by the qualified voters of the city, shall take place to fill the vacancy.

Election—when first held under this charter.

Councilmen to determine by lot length of term.

Regular election to be held on second Saturday in June.

§ 8. The several officers now holding offices in the city of Mount Sterling shall continue to hold their respective offices until the terms for which they were elected shall have expired, and their successors are duly elected and qualified as provided herein. In the discharge of the duties of their offices, the present officers shall be governed by the provisions of this charter from and after the day on which it goes into effect.

Present officers to hold until successors elected, &c.

Present officers governed by this charter.

§ 9. No person shall be entitled to vote at any city election who is not a male citizen of the United States, and twenty-one years of age, and a legal voter under the laws of Kentucky, and who has not resided one year in said city next preceding the election at which he offers to vote. But any person who is a legal voter of the State of Kentucky, and a bona fide resident of Montgomery county for one year next preceding the election at which he offers to vote, and an owner of real estate in fee-simple

Qualification of voters.

1876. in the city for 60 days next preceding the said election, shall be a qualified voter in any city election.

ARTICLE VIII.

Revenue and Taxation.

Rate of taxation not to exceed forty cents.

§ 1. An annual tax of not exceeding forty cents upon each one hundred dollars in value of the real and personal estate directed to be assessed for taxation, due and payable the fiscal year assessed, shall be paid by the owner or person assessed in said city.

Tax of twenty-five cents for sinking fund.

§ 2. In addition to the tax above provided for herein, a tax of twenty-five cents (25) upon each one hundred dollars in value of the real and personal estate directed to be assessed for taxation, due and payable the fiscal year assessed, shall be paid by the owner or person assessed in said city. The fund created by said tax of twenty-five cents shall be set apart for the purpose of paying the present indebtedness of the city, and shall be applied only in liquidation of the city indebtedness, created previous to the adoption of this act; and when said indebtedness is fully paid off and discharged, then the city council shall have no right to make any further levy of the said twenty-five cents for sinking fund or any other purpose; and it shall be the duty of the city council, immediately on the adoption of this act, to prescribe by ordinance the mode and manner of setting apart said tax, and of keeping intact the said sinking fund, and of its application to the payment of the debts for which it was created, and of all matters in relation thereto.

Sinking fund tax to stop when present debts paid.

Council by ordinance to regulate sinking fund.

Poll-tax not to exceed \$5.

§ 3. An annual poll-tax of not exceeding five dollars shall be levied and collected of each male inhabitant of said city over twenty-one years of age.

Citizens exempt from any other poll-tax.

§ 4. The inhabitants of the city of Mount Sterling shall be exempt from the payment of any poll-tax for county purposes.

Lien for taxes.

§ 5. The city council shall have a lien, for all tax levied under this charter, on the property assessed, and on the other property of each person, which shall not be defeated by gift, sale, alienation, or any means whatever.

§ 6. All property not exempt from taxation under the general laws of this State shall be subject to taxation as herein mentioned for city purposes.

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Property that is subject to taxation.

§ 7. At the first regular or special meeting of the city council after the assessor has returned his tax-book, and it shall have been examined and approved by the board of supervisors, or as soon thereafter as practicable, said council shall fix the rate of taxation for that fiscal year, and deliver the said book to the clerk of said council.

Council to fix rate of taxation.

§ 8. All taxes hereafter levied by the city council shall be due and payable at the office of the marshal or collector of taxes on the first day of July of each year. If not paid on or before the first day of September following, ten per cent. thereof shall be added as damages, and collected the same as the taxes. Said damages are for the benefit of the city, and not the marshal or collector. The lien herein given for taxes shall apply in the same manner to the damages assessed.

Taxes—when due.

Damages for not paying taxes when due.

§ 9. After the first day of September in each year, it shall be the duty of the marshal or tax collector to immediately levy all uncollected taxes on the property of those owing the same, and to proceed to enforce the lien aforesaid. After making said levy, the marshal shall advertise for at least ten days, by written or printed notices, the time and place of sale of said property as in sales of like property under execution. Said lien shall first be enforced on the personal property of the delinquent, and if the same shall not be sufficient to satisfy said taxes, with the damages and costs of sale, then it shall be enforced on the real property of the delinquent. The purchaser of any personal property at any tax sale shall have the full legal title, and possession thereof, immediately on complying with the terms of sale. All sales for taxes provided for herein shall be for cash. In selling real property for taxes, the marshal shall sell the least quantity thereof that will be sufficient to pay the amount of taxes, with damages and costs. If necessary, from want of bidders, or any other cause, he may sell the whole of the property levied on; and if no one will

Duty of marshal to levy taxes

Sale for tax—how advertised.

Lien first enforced on personal property.

Manner of selling real property for taxes.

City may buy in property at tax sale.

1876. bid the full amount of the taxes, damages, and costs due, then the marshal shall bid the same in for the city of Mt. Sterling ; and it shall have the same title to said property so purchased that a private purchaser would have. After making a sale of realty, the marshal shall give the purchaser his certificate of sale, which shall contain a description of the property sold, with the price and time of sale. The certificate shall be recorded in the Montgomery county clerk's office within sixty days after the sale.

Marshal to give purchaser at tax sale certificate.

§ 10. The owner of any real estate so sold, or his agent or personal representative, shall have the right to redeem the same, at any time within two years from the day of sale, by paying to the purchaser thereof, or to the county clerk, the amount for which said property was sold, with twenty per cent. damages thereon, and all costs thereon, and all taxes paid by the purchaser after his purchase, and interest on the whole of the said sums at the rate of ten per cent. per annum from the day of sale.

Right to redeem property sold for taxes.

When payment shall have been so made, as provided herein, the purchaser, or the county clerk, shall enter in the record-book, on the margin thereof next to the certificate, the fact of such payment ; and such entry shall be a full release of any lien or encumbrance by reason thereof.

How lien released where property redeemed.

§ 11. If the property sold for taxes is not redeemed in the time and manner herein required, it shall then be the duty of the city attorney to prepare, and the marshal in office to execute, a deed therefor to the purchaser, which shall convey the full and perfect legal equitable title thereto.

If property not redeemed, marshal in office to make deed.

§ 12. Nothing herein shall be construed to prevent the marshal from levying the taxes at any time after the tax-books come to his hands ; and he shall have the same right and power to garnishee for taxes that sheriffs have ; and in such matters he shall proceed in the same manner as sheriffs are required to proceed.

Tax may be levied any time after marshal gets tax book.

Right to garnishee for taxes.

§ 13. The marshal shall make a report in writing to the county clerk, signed by him, within twenty days after a sale of real estate as provided herein, showing when the sale was made, and to whom and for what price, and

Marshal to return report of sale to county clerk, and same to be recorded.

giving a description of the land sold as fully as he is able to do; which report shall be recorded by the county clerk.

1876.

§ 14. Any minor, married woman, or other person laboring under disability, shall have two years after the removal of the disability in which to make the redemption provided for herein; but the committee, or next friend of a person of unsound mind, shall be allowed only five years from the day of sale, or two years after notice in writing by the purchaser, to redeem the same, though the disability shall continue longer. The notice aforesaid shall be returned by the officer executing or the person giving it to the clerk of the county court, who shall record and index the same, with the return thereof, in the proper record book in his office.

Minors, married women, and those laboring under disability — when to redeem property.

§ 15. No lands within the city limits of Mt. Sterling shall be subject to city tax for any purpose, unless the same be laid off into town or building lots, or shall be improved with buildings thereon; but the residences, yards, and gardens thereto attached, of all persons included in said boundary, shall be subject to taxation: *Provided*, That if said residences, yards, and gardens contain more than two acres, and are attached to, and form a part of, the farm of the owner or owners, then not more than two acres, including the residence, shall be subject to city tax; nor shall any live stock kept for grazing, breeding from, and cultivating farming lands within the limits of said city, be taxed.

Farm lands in city not subject to city tax.

ARTICLE IX.

Fees.

§ 1. The city judge shall be entitled to the following fees, to-wit: For presiding at the trial of a breach of the peace or any misdemeanor or violation of the city law, to be taxed against the defendant if found guilty, two dollars; for each execution including indorsement and return thereof, to be charged for when issued, sixty cents; and for all other services rendered in any case when the jurisdiction is concurrent with circuit courts, he shall be entitled to charge and receive the same fees allowed by law to clerks of circuit courts for similar ser-

Judge.

Fees same as circuit clerks.

1876. vices ; and when his jurisdiction is concurrent with justices of the peace, he shall charge and receive the same fees that justices of the peace are entitled by law to receive.

Fees same as justices of the peace.

City Attorney.

Compensation not to exceed \$100.

Fees in prosecuting misdemeanors, &c., \$2

§ 2. The city attorney, in addition to the compensation allowed him by the city council, which shall not exceed one hundred dollars, shall be entitled in prosecutions in the city court, in cases of misdemeanors and violations of city ordinances, to receive a fee of two dollars, to be taxed as costs against the defendant if found guilty.

City Marshal.

Compensation not to exceed \$450.

Fees same as sheriff.

Compensation for collecting taxes 5 per cent.

§ 3. The city marshal, in addition to what may be allowed him by the city council for *ex officio* services, which shall not exceed four hundred and fifty dollars per annum, shall be entitled to receive the same fees in matters of a criminal nature ; and in sales of property for taxes to which sheriffs are entitled for similar services ; and for the collection of the city taxes a commission of not exceeding five per cent. on the amount collected, the commission to be fixed by the city council.

City Collector.

Fees same as constable.

§ 4. The city collector's fees shall be the same as those of constables, under the laws of this State for similar services.

Board of Supervisors.

Fees not to exceed \$1 50 per day.

§ 5. The members of board of supervisors shall be entitled to receive for their services an amount not exceeding one dollar and fifty cents for each day they may be actually engaged, to be fixed and allowed by the city council.

City Treasurer.

§ 6. The city treasurer shall receive such compensation as the city council may allow him.

City Clerk.

Compensation not to exceed \$100.

§ 7. The city clerk shall receive such compensation as the city council may allow, not exceeding one hundred dollars.

§ 8. All officers of said city shall be entitled to receive such other fees not provided for herein as are allowed for similar services under the State law.

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Officers to receive such fees as other officers.

ARTICLE X.

Miscellaneous Provisions.

§ 1. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the city of Mt. Sterling.

General laws apply to Mt. Sterling.

§ 2. The city shall be liable to its officers for their fees in cases instituted for a breach of any of its ordinances or by-laws, whether the party accused be acquitted or convicted.

City liable to officers for their fees.

§ 3. Any officer authorized in this act to execute any process requiring or allowing bail, shall have the authority to take the bail.

Officer executing process may take bail.

§ 4. The marshal, clerk, and treasurer of said city are prohibited from buying, discounting, or dealing in any way in vouchers or claims against said city, under a penalty of ten dollars for each offense.

Officer not to buy city claim under \$10 penalty.

§ 5. The term of office of all officers elected by the qualified voters of the city shall begin on the first Tuesday in July after their election, and they shall enter upon the discharge of their duties after the commencement of their term as soon as they are qualified. The term of office of all officers elected or appointed by the city council shall commence upon their said election or appointment, and they shall enter upon the discharge of their duties as soon thereafter as they are qualified so to do under the provisions of this charter.

Term of office.

When to commence.

§ 6. This charter shall go into effect and be in full force as a law on and after its passage, and thereafter be the charter of the city of Mt. Sterling; and all acts heretofore enacted coming in conflict with this act, or any provision thereof, are hereby repealed.

When this charter to go into effect.

Approved March 7, 1876.

1876.

CHAPTER 448.

AN ACT to authorize the sale of the property in Barbourville known as the Baptist Church and school property.

WHEREAS, The property in Barbourville, Kentucky, known as the Baptist Church and school property, and which has been held by them as such for more than thirty years past, being dedicated for this purpose by the owner thereof, and has become unfit for use, either as a church or school-house, and not a suitable location for rebuilding; and whereas, the Baptist Church desires to dispose of the same, and for this purpose appointed John H. Davis as their agent to dispose of and control the same; and whereas, the school interest of said town requires that same be sold, and the proceeds re-invested in a more suitable site for a school-house; and whereas, it is agreed by the parties that the interest of all demand that the same be sold, and the proceeds equally divided between the church and school interests in said town, to be reinvested by each for a like purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Authority to
sell at public auc-
tion.

Purchaser to
give bond.

Special com-
missioner ap-
pointed, and his
powers.

§ 1. That the property in Barbourville, Kentucky, known as the Baptist Church and school-house property, be sold at public outcry at the court-house door in said town on the first day of a circuit or county court, to the highest bidder, on a credit of twelve months, the purchaser giving bond and approved security for the purchase money, payable one half to the school trustees of said town, district No. 1, and the other half to the commissioner herein empowered to make said sale, or such other person as the Cumberland River Baptist Church may select at a regular meeting to receive the same; notice of said sale having been first posted at three public places in said town at least twenty days before the day of sale; and said John H. Davis is hereby appointed a special commissioner or agent to make said sale, and is authorized and empowered to convey the same to the purchaser when the purchase money is paid.

School trustees,
&c., to receive
purchase-money.

§ 2. That the school trustees, and the agent or person selected by said church to receive said purchase money, shall hold same for the purpose of reinvesting in a school-house and church house, and may be appropriated for these purposes separately, one half by the trustees of said school dis-

strict, the other half by said church; but said purchase money, when paid over, shall bear interest at six per cent. per annum until reinvested as herein contemplated; and until reinvested, shall be turned over by said trustees to their successors in office until appropriated. If said trustees, or agent of the church, do not wish to retain the money and pay the interest, they may, at their own risk, loan the money for a term not to exceed one year at a time.

1876.

May loan same.

§ 3. That the agent, John H. Davis, is hereby empowered to institute suit in the Knox quarterly court for the recovery of damages against any one guilty of committing injury to said property within the last six months.

Agent authorized to institute suit for damages.

§ 4. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 449.

AN ACT to incorporate the New Providence or Eldorado and Western Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a corporation is hereby created, to be known as the New Providence or Eldorado and Western Turnpike Road Company, for the purpose of constructing a turnpike road, on the McAdam plan, from New Providence Church, in Mercer county, or Eldorado, west to Duncansville.

Corporation created; name and style, &c.

§ 2. The capital stock of said company shall be not exceeding thirty thousand dollars, in shares of fifty dollars each and shall be paid in such installments as the president and directors may require.

Capital stock.

How paid.

§ 3. That James Smith, G. W. Johnson, W. E. Penny, Ephraim Cunningham, and Isaac Voorhies, be, and they are hereby, appointed commissioners, any of whom may act, to receive subscriptions to said company, who shall organize the company when five thousand dollars in stock is taken, by giving ten days' notice of the time and place, and by the stockholders electing a president and four directors, in which meeting each subscriber shall have one vote for each share of stock taken.

Commissioners appointed.

President and directors to be elected.

§ 4. That an act, entitled "An act to incorporate the Salvisa and Kirkwood Turnpike Road Company," approved January

1876. 24, 1861, be, and the same, as far as consistent with this act, be now adopted and made part hereof.

County court
authorized to
take stock, &c.

§ 5. That the county court of Mercer county are now authorized to take stock in said company in any amount not exceeding fifteen hundred dollars per mile, a majority of the justices being present and agreeing; and if said court takes stock it may levy a tax upon the taxable property of said county subject to taxation for revenue purposes for State, and have the same collected by the collector of the county, who, together with his sureties, shall be liable in the same manner and bond as for other county revenue for such tax: *Provided*, Said subscription shall not be paid to said company until each mile of the road to which it is made shall be completed and accepted.

§ 6. This act shall be in force from and after its passage.

Approved March 7, 1876.

CHAPTER 451.

AN ACT to amend an act, entitled "An act to incorporate the Stony Point and Leamand's Mills Turnpike Road Company, of Bourbon county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company may
erect two toll-
gates.

§ 1. That an act, entitled "An act to incorporate the Stony Point and Leamand's Mills Turnpike Road Company, of Bourbon county," be, and the same is hereby, amended as follows: That it shall be lawful for the said company to erect and maintain two toll-gates on the line of their said road, one at or near each of the termini of said road, at which gates one half of the rates of tolls now authorized to be charged on said road may be charged and collected, and no other or higher tolls shall be charged or collected by said company.

Rates of tolls to
be charged.

§ 2. All acts and parts of acts in conflict herewith be, and the same are hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 452.

1876.

AN ACT for the benefit of common schools in Grayson county.

WHEREAS, R. C. Kimble taught a common school in district No. 45, in Grayson county, for the school year ending June 30th, 1875, and the school commissioner failed, in his census, to report forty children to the Superintendent of Public Instruction, in consequence of which said Kimble did not receive pay for the aforesaid number of pupil children reported by the trustee to the commissioner; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventy-seven dollars and sixty cents be appropriated to indemnify said Kimble, to be paid out of the interest of the Grayson county school bond for the year ending June 30th, 1877; and when the commissioner of Grayson county shall present his certified draft for said amount, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant on the Treasury in favor of said R. C. Kimble for said amount.

§ 2. This act shall take effect from and after January 10th, 1877.

Approved March 7, 1876.

CHAPTER 453.

AN ACT to authorize the judge of the Mason quarterly court to appoint the clerk of said court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Mason county quarterly court shall have the power to appoint a clerk of said court, who shall have the same powers as the county clerk would have if empowered by said judge to act as clerk of said court: the said clerk so appointed to take the same oath of office, to perform the same duties, to receive the same fees, and subject to the same responsibilities, as prescribed by law for clerks of county courts.

§ 2. This act to take effect from its passage.

Approved March 7, 1876.

1876.

CHAPTER 454.

AN ACT to incorporate the Union Library Association, of the town of Union,
Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

Body-politic
and corporate.

Corporate
powers.

§ 1. That Philip Taliaferro, Joseph M. Wilson, Wm. H. Blanton, and Lute C. Norman, and their associates and successors, be, and hereby are, incorporated and created a body-corporate, under the name and style of the Union Library Association; and by that title to have perpetual succession, with power to contract and be contracted with, to sue and to be sued, complain and defend, as individual persons; to acquire, hold, and convey property, both real and personal or mixed, and to make and enforce such constitution, by-laws, and regulations for the government of the association as may be necessary or proper to carry out the object and purposes of the association, not incompatible with the Constitution and laws of this State or of the United States.

Object of asso-
ciation.

§ 2. The object of this association shall be to obtain and keep, for the use of its members and other persons, upon such terms as may be prescribed in the constitution and by-laws, books, pamphlets, pictures, publications, engravings, works of art, maps, philosophical apparatus, or other things which the board of trustees may direct, and may employ lecturers, and cause courses of public lectures to be given, and may establish a lyceum.

Property ex-
empt from taxa-
tion.

§ 3. All the property of this company shall be exempt from State, county, and municipal or other taxation. The stockholders shall not be individually liable for the contracts, liabilities, or debts of the association; but the stocks, privileges, rights, and properties held and owned by said association, in its corporate capacity, shall be liable for its contracts, debts, and liabilities.

Capital stock.

§ 4. The capital stock, property, &c., of said association shall not exceed five thousand (\$5,000) dollars.

§ 5. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 455.

1876.

AN ACT to define the jurisdiction of the police judge of the town of Cromwell, Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act be so amended as to make the jurisdiction of the police judge of the town of Cromwell, Ohio county, in all civil and criminal cases, coextensive and concurrent with the justices of the peace of said county.

§ 2. That this act shall take effect from and after its passage.

Approved March 7, 1876.

CHAPTER 456.

AN ACT for the benefit of common school district No. 22, Webster county.

WHEREAS, The trustee for common school district No. 22, Webster county, did employ a qualified teacher to teach a common school in said district, which was commenced in good faith, but, on account of protracted sickness, the school was dismissed, and could not consistently be resumed until it was too late to teach a five months' session as the law directs; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That common school district No. 22, in Webster county, be allowed to have a four-month term taught for the scholastic year ending June 30th, 1876, for which said district shall be entitled to its full amount of public money when properly certified that said four-month school has been taught.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1876.

CHAPTER 457.

AN ACT in aid of common school districts Nos. 62 and 67, Hopkins county.

WHEREAS, J. M. Compton, common school commissioner of Hopkins county, failed to report fifty-eight children of district No. 62, and nine children of district No. 67, reported to him by the trustees of said districts; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of one hundred and thirty-one dollars and thirty-two cents be appropriated in aid of said districts, to be paid out of the interest due on the Hopkins county surplus bond for the school year ending June 30th, 1877, and if this is not sufficient, out of the interest due for the 30th of June, 1878; and when the commissioner of Hopkins county shall present his draft for said amount, properly certified, and countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant on the Treasury in favor of J. M. Compton, commissioner of common schools for Hopkins county, to be paid when said interest shall fall due.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1876.

CHAPTER 458.

AN ACT to amend the charter of the town of Glenville, in Adair county, approved March 25, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 21 of chapter 727 repealed. § 1. That section twenty-one of chapter seven hundred and twenty-seven of an act, entitled "An act to incorporate the town of Glenville, in Adair county," approved March 22d, 1872, be, and the same is hereby, repealed.

Board of trustees empowered to grant license. § 2. *Be it further enacted*, That the board of trustees of said town of Glenville, in Adair county, shall have power to tax, and the exclusive right to license, all taverns and houses of entertainment within said town; but tavern-keepers shall be liable to pay the revenue tax imposed on them by law.

When license may be granted. § 3. *Be it further enacted*, That it shall not be lawful for the board of trustees to grant a license to any person to sell spirituous, malt, or vinous liquors in said town until they shall, at some regular election held in said town, submit to the qualified voters of said town the question as to whether spirituous, malt, or vinous liquors shall or not be sold by retail, under license, in said town; and if a majority of all the legally qualified voters residing in said town shall vote for such sale, then said trustees may issue such license, but not

otherwise; but if said license are issued, the same shall be done subject to all the restrictions imposed upon vendors of spirituous liquors by law.

1876.

Approved March 7, 1876.

CHAPTER 459.

AN ACT for the benefit of the common school commissioner of Hopkins county.

WHEREAS, Geo. W. Murphy, former commissioner of common schools for Hopkins county, through mistake, failed to report twenty-six children for district No. 34, school year 1874, for which he had to pay the sum of fifty dollars and ninety-six cents, for the school year ending June 30th, 1874; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty dollars and ninety-six cents be appropriated to indemnify George W. Murphy, to be paid out of the interest due on the Hopkins county surplus bond for the school year ending June 30th, 1877; and when the commissioner of Hopkins county shall present his draft, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant on the Treasurer in favor of said Murphy for said sum.

§ 2. This act shall take effect from and after January 10th, 1877.

Approved March 7, 1876.

CHAPTER 460.

AN ACT to continue in force an act, entitled "An act authorizing the county court of Washington county to increase the county levy," approved January 22, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act authorizing the county court of Washington county to increase the county levy," approved January 22, 1874, be continued and remain in force

1876. for the period of two years from the time within which it is now limited.

§ 2. This act to take effect from its passage.

Approved March 7, 1876.

CHAPTER 462.

AN ACT to amend an act, entitled "An act to incorporate the Cleveland Orphan Institution," approved March 17th, 1870.

WHEREAS, Since the adoption of the act incorporating the Cleveland Orphan Institution, which act requires the institution to be located on one of the farms of the late John Cleveland, in Woodford county, by a judicial construction of the last will of said Cleveland, it has been adjudged that the trustees of the institution are not confined to the lands of said Cleveland for a location for said institution; and whereas, under the direction of the chancellor, they have purchased property and located said institution in the town of Versailles, Kentucky; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Act in regard
to location of in-
stitution repealed

§ 1. That so much of the act to which this act is an amendment as requires the institution to be located on the lands of said John Cleveland be, and the same is hereby, repealed.

Powers granted
court of chancery
for Woodford
county.

§ 2. The second section of the act aforesaid to which this is an amendment is hereby so amended as to give to the court of chancery sitting for Woodford county the same power to decree a sale of the lands of said institution lying in Woodford county, that it now has in regard to the lands lying outside of said county. The court may, if it deems it best for the interests of the institution, permit the proceeds of the lands that may be sold in pursuance of the power conferred by this amendment, or that may have heretofore been sold, to be paid over to the treasurer of said institution, to be loaned, invested, and managed under the direction and control of the board of trustees.

Powers granted
to institution as
to custody of
children, &c.

§ 3. Said institution shall have power to receive into its custody and control any child coming within the requirements of the will of the late John Cleveland, as set forth in the preamble to the act to which this is an amendment, when such child is surrendered to the institution by the per-

son having the legal right to the custody and control of the child, or where there is no person having such right, then with the consent of the county court of the county of the child's residence. For the purpose of protection of the person or rights of any child which has been, or may hereafter be, committed to its care, said institution is hereby invested with the right to the exclusive custody and control of the same until the child, if a girl, attains the age of eighteen years, and if a boy, of twenty-one years, unless sooner disposed of as provided by this act.

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§ 4. Said institution may, through its president, as may be prescribed by its by laws, permit any suitable person to adopt any child in its custody and control as their own child, upon proper covenants, in writing, being executed by such person and the president, and acknowledged or proven, and recorded in the county court clerk's office of Woodford county as deeds may be; and said institution may, through its president, as may be prescribed by its by-laws, bind out to any suitable person any child in its custody and control as an apprentice, and may also require of such person other covenants beneficial to the child in addition to those prescribed by law, especially that such child shall not be treated as a servant; the apprenticeship to terminate at the lawful age, or sooner, as may be expressed in the indentures, which shall be acknowledged or proven and recorded in the county court clerk's office for Woodford county as deeds may be.

Children in charge of institution may be adopted.

May bind out children.

§ 5. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 463.

AN ACT to amend the act approved 7th December, 1850, entitled "An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington."

WHEREAS, The buildings of the Kentucky Agricultural and Mechanical Association were destroyed by fire, whilst occupied by troops, during the late war, and its franchises for a time obstructed; and whereas, a new board of directors and officers were elected on the second Saturday of May, A. D. 1875, with the view of continuing to carry out the original purposes for which said association was created, and have

1876. applied for and desire for certain amendments to their charter; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Association
empowered to
purchase or ac-
quire real estate.

§ 1. That said association shall have power to purchase or acquire real estate, not exceeding one hundred acres, for the purpose of carrying into full effect the objects for which it was originally created; and to hold said land, with full power to sell and convey, mortgage, charge, exchange, or encumber the same, by appropriate conveyance under the seal of the corporation, and the concurrence therein, by resolution in their official proceedings, of the president and not less than six directors, as warrant and authority for such conveyance; and said association shall have power for the purpose of carrying into effect such measures as may promote agriculture and the mechanical arts, and improve the breeds of horses, cattle, and domestic animals; to contract and agree for the erection of all necessary buildings on said land; and to hold personal property, not exceeding one hundred thousand dollars in value therefor; to declare and award prizes; and to exercise all powers and franchises declared by the said act approved 7th December, 1850, or which are usually exercised, or are now allowed by law, in any of the agricultural associations of this State, under any of the statutes of this Commonwealth.

May hold per-
sonal property
not exceeding
\$100,000.

Name and style,
&c.

§ 2. That hereafter said association shall be known as the "Kentucky Agricultural and Mechanical Association;" and under that name may contract and be contracted with; and sue and be sued, in all courts; and with full powers to ordain and execute all such by-laws and regulations for its government as may be deemed necessary; and may have and use a common seal, and change, alter, and renew the same at pleasure.

Seal.

Officers of asso-
ciation.

§ 3. That the president, directors, and officers elected by said association on the last Saturday of May, A. D. 1875, when William Preston was elected president, R. J. Spurr, vice president, and J. M. Mulligan, secretary, with the board of directors then chosen, shall remain in office until the second Saturday in May, A. D. 1876, when an election shall take place for a president and a board of ten directors, to be chosen by stockholders entitled to vote under the original charter, and

When elected.

holding certificates of stock as perpetual members or members for life therein, under such rules and regulations as may be prescribed by said association ; and at the end of the year there shall be another election, on the second Saturday in May ensuing, for a president and directors, and so on annually thereafter on the same charter day in each successive year, from time to time.

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§ 4. The president and directors shall have full powers to appoint or elect all subordinate officers ; to regulate and control the estate and property of the association ; but not to sell, convey, mortgage, charge, exchange, or encumber the real estate, messuages, or improvements thereon, except as hereinbefore declared.

§ 5. The president and directors may require, by public notice, all persons holding certificates of stock, or claiming franchises in said association, after due advertisement for one month in any newspaper published at Lexington, to register, at such time and place, and in such manner as may be determined, their names and the evidences of their titles to such stock, and their right to vote, and to any other privileges and franchises under the charter of said association ; and in the event that such stockholders or claimants shall fail or refuse to register their names and stock as required, the president and directors may declare that the privilege of free admission to the grounds of said association, and the right to vote, and all other personal franchises, shall be forfeited, revoked, and annulled: *Provided, however,* That the same may be restored by a vote of the president and directors, upon such terms as they in their discretion may determine and declare.

Stockholders to register their names and stock, &c.

Penalty for failure to register.

Proviso.

§ 6. That the president and directors may call for a new subscription of stock, not exceeding fifty thousand dollars, and may issue evidences of title thereto, and certificates therefor, and grant to the holders all the rights and privileges of perpetual stockholders.

President and directors may call for a subscription not to exceed \$50,000.

§ 7. That the said association may, by a vote of the president and directors, unite with any other agricultural association or associations for improving the breed of horses and cattle, upon such terms as a majority of the whole board of directors elected may determine, in order more fully to carry out the original purposes contemplated in the charter of said associations ; but no such agreement shall be made unless it

Association may unite with any other association, &c.

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is concurred in by six directors and the president, or at the regular meeting of the stockholders on their charter day.

§ 8. This act to take effect and be in force from and after its passage.

Approved March 7, 1876.

CHAPTER 464.

AN ACT for the benefit of B. B. Mullins, ex-sheriff of Pendleton county.

WHEREAS, B. B. Mullins, ex-sheriff of Pendleton county, has a large amount of outstanding fees and taxes to be collected, and is desirous of having lawful deputies to collect said fees and taxes ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for said B. B. Mullins to appoint one or more deputies, who shall, after being duly qualified by the Pendleton county court, be authorized to collect the uncollected taxes and fee-bills of said Mullins, and have the same powers and authority to levy and restrain as the said Mullins has now under the law.

§ 2. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 465.

AN ACT to incorporate the Farmers and Traders' Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Commissioners. § 1. That C. R. Tyler, Y. L. Ford, Lynch Gray, James Yewell, A. J. Turpin, C. Riley, A. D. Hill, P. J. Miller, M. Southerner, W. W. Hays, David Hamilton, Henry Heer, W. T. Ellis, and E. B. Colgar, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, any one of whom may, in the city of Owensboro and Daviess county, open books and receive subscriptions of stock to said corporation, from day to day, until the stock shall have been subscribed, when the books shall be closed and delivered to the subscribers, who shall thereupon constitute a body-politic and corporate, with the

corporate name of the "Farmers and Traders' Bank;" the said subscribers and their successors shall so continue for the period of twenty-five years; and may contract and be contracted with, sue and be sued, implead and be impleaded, answer and defend, in all courts and places whatever; may have and use a seal, and exercise all other powers usually incident to such corporations.

1876.

Name.

Corporate powers.

Common seal.

§ 2. The capital stock of said corporation shall not be less than thirty thousand nor more than two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be personal property, and transferable only on the books of the corporation in such manner as the board of directors may prescribe.

Capital stock.

§ 3. Upon the receipt of the books of subscription, the subscribers, or a majority in interest of them, shall meet and elect five persons, who shall be stockholders, to serve as directors in said bank until the second Monday in January following, and until their successors are elected and qualified. The regular meeting of stockholders for the annual election of directors shall be the second Monday in January each year; but meetings may be held oftener if the directors, or a majority of them, require it; and in all meetings of stockholders, each person shall be entitled to one vote for every share of stock held by him, which vote may be cast in person or by written proxy.

Directors.

Term of office.

Annual meeting.

One vote for each share of stock.

§ 4. The board of directors shall elect one of its members president and one vice president, and appoint such other officers, agents and servants, as they may deem necessary, fix their salaries, prescribe their duties, and take from them such bonds to secure the faithful performance of their duty, as they may think reasonable and proper. In case of death or resignation of any director, the vacancy can be filled by the board of directors, until the next annual election. They may make such by-laws as may be necessary for the proper government of said bank, provided the same be not inconsistent with the laws of this State or of the United States; they shall have power to receive subscriptions for so many shares of the stock of said bank remaining unsold as they may at any time choose to sell; and to declare dividends of the profits arising out of the business.

Officers.

Vacancies—how filled.

May enact by-laws, &c.

§ 5. It shall be lawful for said bank to transact financial business as a natural person; to loan money, discount promis-

1876. sory notes or bills of exchange; deal in bullion, coin, exchange, stock, or other securities or evidence of debt, and do a general banking business. Said bank may receive deposits of gold, silver, bank notes or other notes which may be circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate allowed by law, and take personal and other securities for the payment of any loan.

§ 6. Said bank may receive promissory notes by assignment, United States vouchers, warehouse receipts, bills of lading, mortgages on unencumbered real estate, worth at least double the amount secured thereby, bonds, stocks, produce or any other property, in pledge for the security of money loaned, and sell the same on the non-payment of the debt or demand according to law.

§ 7. Said bank may issue certificates of deposit and letters of credit, payable at its office or elsewhere, but shall not issue notes to circulate as money.

May acquire
and hold real es-
tate. § 8. Said bank may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business or to further the objects of its creation, or which may be conveyed to it as security for any debt, or purchased to aid in satisfaction of any debt, judgment, or decree, and sell and convey the same.

Payment of
shares—how
made. § 9. Payment for the shares subscribed shall be made in current funds as follows: Ten dollars on each share shall be paid within ten days after the meeting of the first board of directors, and the remainder in such sums, and at such times, as the directors may appoint; and should any subscriber fail to pay his subscription to the stock as herein provided, the directors may, after giving thirty days' notice to such subscriber of such purpose, by resolution duly passed and entered on the records of said bank, forfeit such shares of stock, and sell the same at such time as they may deem expedient; and all partial payments made on such shares of stock so forfeited shall be held for the benefit of the stockholders, after deduction of any unpaid calls. Said bank may commence business so soon as ten thousand dollars shall have been paid in, and the president or cashier have certified the same under oath before a judge, justice, or notary public.

When to com-
mence business.

§ 10. The cashier shall, on or before the 10th day of January in each year, transmit to the Auditor of the State a verified statement of the condition of the bank, and shall, on the first days of January and July in each year, make and publish, under oath, a statement of all the assets and liabilities of said bank.

1876.
Cashier to re-
port to Auditor,
&c.

§ 11. For the contracts of the corporation each stockholder shall be individually responsible to the amount only of the stock held by him in the corporation.

§ 12. The place of business of said bank shall be in the city of Owensboro.

§ 13. This act to take effect from its passage: *Provided*, That the powers herein granted shall cease and determine in two years, unless the said body-corporate shall be sooner organized.

Approved March 7, 1876.

CHAPTER 466.

AN ACT to protect sheep and dogs in the county of Ballard, and other counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There shall be annually levied and collected the following tax upon dogs in the counties of Ballard, Henry, Union, Carroll, Oldham, and Trimble: one dollar on each male, and two dollars on each female dog, owned or kept by any person or persons.

§ 2. It shall be the duty of the assessor of the several counties herein mentioned to assess all the dogs, male and female, in their respective counties, and report the same to the county court thereof, at the same time he is required by law to return the list for other property, and a list of the same shall be made out by the clerk of said court, and delivered to the sheriff of said county, whose duty it shall be to collect the same within the same time, and in the same manner, as in the collection of taxes imposed on other property, except as is hereinafter provided.

Assessor to list
and report.

Sheriff to col-
lect tax, &c.

§ 3. If any person so assessed shall fail or refuse to pay the tax, it shall be the duty of the sheriff, or any constable that he may direct, to levy on any male or female dog upon

Penalty for re-
fusal to pay tax.

1876. which tax has not been paid, and sell the same; and if such amount of tax as is due shall not be bid and paid by the owner or other person, then the officer making the sale shall bid the amount of tax due on said dog or dogs for the county, and proceed to kill the same, for which service the officer shall receive the sum of fifty cents for each dog killed, to be paid him by the commissioner of the jury fund out of the fund in his hands collected on dogs; and should the officer fail to collect or kill the dog whose owner has refused or failed to pay the tax, he shall be fined not less than ten or more than twenty dollars, to be recovered in the name of the Commonwealth, and it shall be the duty of the county attorney to prescribe the same, and for which service he shall be paid fifty per cent. of the amount collected.

Owners to make
oath.

§ 4. It shall be the duty of the assessor, after having taken each list of taxable property, to examine each person on oath as to the number of dogs owned by him or any person under his control, or in his employ, and list the same to his proper owner for taxation, and on failure so to do shall forfeit his fee for said list; and it shall be his duty to certify, under oath, upon the return of assessment list, that he has so examined each person listing, and listed all dogs so far as he could get information; and if the assessor shall have information of any dogs not listed, it shall be his duty to examine any person on oath as to his information, and list the dog to his proper owner; and if the dog is not claimed by any person, then the dog shall be listed to the person at whose place he is most frequently found; and any person so testifying shall make any false statement as to number of dogs, or to whom belonging, shall be liable to all penalties and prosecutions for false swearing now regulated by law; and any person being wrongfully listed shall have remedy of abatement as in other property, and the assessor shall receive for his services five cents.

Sheriff—his duty.

§ 5. The sheriff shall pay to the commissioner of the jury fund in his county all the tax he may collect on dogs at the same time he is required to pay the county levy, less five per cent. commission allowed him for collection, and take his receipt for the same; and for a failure to collect and pay over, or either, shall be liable on his official bond, and may be proceeded against by motion by any person having an interest in said fund in any court having jurisdiction.

§ 6. The commissioner of the jury fund shall be liable upon his official bond for all moneys in his hands belonging to this fund, and shall pay the same out by the order of the county judge and county court—that part to persons having sustained loss by the order of the county judge, and for county purposes by the order of the county court; and shall be allowed one per cent. for receiving and paying out the same. If any person having sheep killed or maimed by dogs cannot collect from the owner of the dog or dogs as now provided by law, shall be paid by the commissioner of the jury fund one half the loss sustained, having made proof of said loss before the county judge, and said judge having ordered said payment, and the balance after paying expense of collecting and disbursement of said fund, shall be paid towards defraying the expense of the county as ordered by the county court.

1876.
Commissioner
of jury fund—his
duty.

Losses—how
paid.

§ 7. Any person killing a wolf, red fox, grey fox, wild cat, and having complied with the act authorizing rewards for killing wolves, red fox, grey fox, and wild cats, approved February 23d, 1873, shall be allowed one dollar additional; and the clerk shall issue him a certificate for the same; said certificates shall be received by the sheriff in payment of tax on dog; and the court of claims in each county shall have the right to increase or diminish the tax upon dogs in said county annually: *Provided*, That a sufficient amount shall be kept with the commissioner of the jury fund to pay one half of all the losses to the owners of sheep killed or maimed by dogs; and any person making a fraudulent claim, and getting allowance made for said claim, shall be subject to a fine of double the amount allowed; and it shall be the duty of the county attorney to prosecute the same, for which service he shall be allowed twenty-five per cent. of amount recovered; the balance shall be paid over for the benefit of said county.

Court of claims
may increase or
diminish tax, &c.

§ 8. All orders given by the county judge for loss sustained shall be filed by the commissioner of the jury fund, and shall be due and paid in January, 1878, and annually thereafter: *Provided*, If there should not be a sufficient fund to pay all, then each shall be paid his pro rata share for that year; and full settlement and disbursement shall be made annually by said commissioner of any money in his hands belonging to said county.

Losses—when
due.

1876. § 9. And any person who shall wantonly kill any dog upon which said tax has been paid, shall be fined not less than five or more than twenty dollars, to be recovered before any court having jurisdiction. Any law in conflict with this act is hereby repealed.

10. This act to take effect the first day of September, 1876.

Approved March 7, 1876.

CHAPTER 467.

AN ACT to incorporate the Green River Female Seminary.

WHEREAS, The Rev. Thomas H. Storts, of Bowling Green, Kentucky, having, for eight years past, used and occupied his residence and adjacent buildings, situated on his grounds, as a college for the education of females; and whereas, said Storts being desirous of continuing the use of said residence, buildings, and grounds for the purpose aforesaid, and desiring to have conferred upon the Green River Female Seminary all the rights and immunities enjoyed by other chartered institutions of learning in the State of Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the house and lands in Bowling Green, Kentucky, occupied by said Thomas H. Storts as aforesaid, may be held and used by him as an institution of learning for females; and as such, said dwelling house and adjacent buildings, and the land owned by said Storts adjacent thereto, not exceeding four acres, shall be known as the Green River Female Seminary, and shall be entitled to and enjoy and exercise all the powers, rights, exemptions, and immunities enjoyed and exercised by other seminaries and universities and colleges in the State of Kentucky: *Provided*, That said seminary shall be under the control and management of the following named persons, viz: Rev. G. S. Williams, W. D. Helm, W. W. Rice, W. H. H. Burton, and S. S. Johnson, who are hereby incorporated, under the name and style of "The Trustees of the Green River Female Seminary;" and by that name they and their successors in office shall have perpetual succession, and may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth.

§ 2. That said trustees shall hold their offices until the first day of June, 1876, and until their successors in office are duly appointed; that the successors of said trustees and their successors shall be appointed by the Court Street Baptist Church, Bowling Green, on the first day of June aforesaid: *Provided*, That said trustees shall be members of said church.

1876.

§ 3. That the board of trustees shall have power to pass such by-laws for their government, and for the government of said seminary, as to them may seem right and proper, not inconsistent with this act, the Constitution and laws of the Commonwealth and the United States, and may alter or amend the same, from time to time, as the interest of said seminary may demand; they shall have power to employ competent professors or teachers for said seminary, and remove the professors or teachers when, in their opinion, the interest of the seminary shall require it: *Provided*, That a majority of said trustees shall concur in making or amending said by-laws, in employing said professors and teachers, and removing the same.

§ 4. The trustees shall elect from their own body a chairman, secretary, and treasurer, whose duties shall be the same as those of colleges or other seminaries.

§ 5. The chairman shall have the power to call a meeting of the board, when, in his opinion, it may be necessary; any two members of the board may call a meeting of the board, in the absence of the chairman, or upon his failure to attend to the interests of the seminary.

§ 6. That the said trustees shall have power to confer literary honors, degrees, and diplomas upon the graduates of the seminary, as, in the opinion of the professors, shall be deserving, as well as upon other persons.

§ 7. That the trustees in office shall have power to fill all vacancies in the board until the next yearly appointment after such vacancy shall occur. Three members of the board and the chairman shall be a quorum to do all business, except such business as by this act a majority of them is required to concur therein.

§ 8. That said trustees shall have and use a corporate seal; and in their corporate capacity are hereby vested with full power to receive and hold, for the benefit of said seminary, any money or property, whether received by bequest or donation.

1876.

§ 9. Said trustees shall have full power in the control and management of said seminary and the property, both real and personal, belonging thereto, except that the title to the houses and lands hereinbefore mentioned shall remain and vest in said Thos. H. Storts; but said Storts may convey the same to the trustees for a consideration agreed upon by himself and said trustees.

§ 10. This act shall take effect from and after its passage.

Approved March 7, 1876.

CHAPTER 468.

AN ACT to extend the town limits of the town of Morgantown, Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate limits of the town of Morgantown be, and the same are hereby, so extended as to include the residence of T. J. Bunch, Dr. B. Morehead, J. W. Ward, A. Z. Dockery, and Wm. Wand in the corporate limits of said town.

§ 2. That the trustees of said town may, at any time after the passage of this act, go upon the land of the parties mentioned in the first section of this act, and, by agreement of the trustees and said parties, fix the extended line of said town and mark same by the proper lines and monuments; and for the purpose of making said town line straight may include so much of the land of C. Kelley, T. C. Carson, and G. B. Dockery as the said Kelley, Carson, and Dockery may agree to; the said trustees may also, with the consent and agreement of said parties, extend the present streets of said town to the extended boundary, or open new streets and alleys therein.

§ 3. When the said extended boundary to said town shall be located and defined, or streets extended or opened, a record of the same, by metes and bounds, shall be entered in the records of the clerk's office of the Butler county court, and on the minutes of the board of trustees of said town.

§ 4. This act shall take effect from the date of its passage.

Approved March 7, 1876.

CHAPTER 469.

1876.

AN ACT to repeal ninth section of an act to amend the charter of the city of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the ninth section of an act approved the 23d day of February, 1874, amending the charter of the city of Bowling Green, is hereby repealed.

§ 2. This act shall be in force from and after its passage.

Approved March 7, 1876.

CHAPTER 470.

AN ACT to amend an act, entitled "An act to amend an act reducing into one the several acts in relation to the town of Taylorsville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act reducing into one the several acts in relation to the town of Taylorsville," approved February 21st, 1874, be, and the same is hereby, repealed.

§ 2. That this act shall take effect and be in force from its passage.

Approved March 7, 1876.

CHAPTER 471.

AN ACT to incorporate Owen Lodge, No. 85, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That James Hallawell, Thomas S. Fish, A. Rodgers, John B. Martin, H. D. Barker, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Owen Lodge, No. 85, of the Independent Order of Odd Fellows, and they and their associates and successors, shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common

1876.

seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. Any deed or deeds heretofore made to said lodge for land for cemetery purposes, and sales made of lots for burial purposes, are hereby legalized, and the rights of property therein made as perfect as if the same had been done after this act had passed.

Approved March 7, 1876.

CHAPTER 472.

AN ACT for the benefit of Thomas Ballou, of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to allow Thomas Ballou, sheriff of Pulaski county, ten per cent. for collecting the revenue of said county for the year eighteen hundred and seventy-five (1875), in his settlement with said Ballou.

§ 2. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 473.

AN ACT to give the assessor further time to list the property in McLean county.

WHEREAS, The late rains have inundated a large portion of McLean county; and whereas, it is impossible for the assessor to assess the property in said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky : 1876.

§ 1. That Joseph W. Waltry, assessor of said county, be, and he is hereby, allowed the further time until the first of June, 1876, to take his tax list and return his books.

§ 2. This act to take effect from its passage.

Approved March 7, 1876.

CHAPTER 474.

AN ACT for the benefit of G. W. Pickett, of Adair county

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years is given to George W. Pickett, former sheriff of Adair county, in which to finish collecting back taxes for which he has accounted, and his fees-bills remaining unpaid.

§ 2. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved March 7, 1876.

CHAPTER 475.

AN ACT to regulate the purchase or sale of scrap iron, old metals, and second-hand furniture, in certain counties in this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That every keeper of a store, shop, boat, or other place of business, who shall purchase, sell, exchange, or receive scrap iron, old metals, second-hand furniture, or other second-hand articles, shall put up in some conspicuous place, in or upon said shop, store, or boat, or other place of business, a sign having his name and occupation legibly inscribed thereon, and shall keep a book, open to inspection, in which shall be written at the time of every purchase or exchange of any of the articles above mentioned, a description of the article or articles so purchased or exchanged, the name and residence of the person from whom purchased or received, and the day and hour when such purchase or exchange was made.

1876. § 2. That no keeper of any such store, shop, boat, or other place of business shall, directly or indirectly, purchase or receive, by way of barter or exchange, or otherwise, any of the aforementioned articles of any minor, apprentice, or unknown or irresponsible person.

§ 3. That no keeper of any such store, shop, boat, or other place of business shall purchase or receive any of the articles aforesaid, from any person whatever, after the hours of nine o'clock at night and before seven o'clock in the morning.

§ 4. That any person violating either or any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the jail of the county not exceeding thirty days, or either or both, at the discretion of the court.

§ 5. This act shall apply only to the counties of Boyd and Greenup.

Approved March 7, 1876.

CHAPTER 476.

AN ACT for the benefit of the assessor and clerk of Gallatin county.

WHEREAS, In consequence of bad health, W. H. Rose, assessor of Gallatin county, has been prevented from entering on the discharge of his duties at the time specified by law, and in consequence thereof will be unable to return his books at the time required by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. H. Rose, assessor of Gallatin county, have the further time until the first Monday in June next, in which to return his books to the county court of his county; and that the clerk of the county court of said county have until the first Monday in July next, in which to deliver a copy of said book to the sheriff, and until the first Monday in August to transmit to the Auditor the sheriff's receipt for tax-book, and the copy required to be furnished the Auditor.

§ 2. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 477.

1876.

AN ACT to incorporate the Breckinridge Literary and Library Association, of Owingsville, Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. T. Ricketts, C. R. Brooks, V. B. Young, T. H. Brown, M. L. Lipsicom, Frank Hampton, T. J. Young, jr., C. W. Goodpaster, J. R. Young, David Williamson, A. J. Nesbitt, C. F. Reed, and Thomas Anderson, and their associates and successors in office, be, and hereby, created a body-politic and corporate, under the name of the Breckinridge Literary and Library Association, of Owingsville, Bath county, Kentucky; and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued; to have a corporate seal, and to renew and alter the same at pleasure; and to ordain and put into execution such constitution, by-laws, rules, and regulations for the government of said society, and for the efficient management of its affairs, as may be deemed expedient and proper: *Provided*, That said constitution, by-laws, rules and regulations, shall not be inconsistent with the Constitution and laws of this State or of the United States.

Corporators.

Name.

Corporate powers.
Common seal.

§ 2. That said corporation shall have full power and authority to acquire and hold, by purchase, gift, or otherwise, any books, pamphlets, periodicals, newspapers, and manuscripts; and may acquire and hold, by purchase, gift, or otherwise, real estate to the value of ten thousand dollars.

May acquire and hold real estate.

§ 3. That said society shall have the right to elect all such officers as it may deem proper, to hold their offices for such time as may be prescribed, and until their successors shall be elected and qualified; and to prescribe the qualifications for membership in their said society.

Officers—how elected.

§ 4. Said society shall have authority to levy and collect such fees for membership, and such annual dues thereafter to be paid by its members, and the time of payment, as may be deemed right and proper; and shall also have the right to prescribe its own mode of paying out its surplus funds in such manner as may be deemed proper and just.

Fees—how collected.

§ 5. That said society shall have the right to take of its

May require bonds of its officers.

1876. officers or agents such bonds for the faithful discharge of duty as may be proper for the security of its funds.

§ 6. This act to take effect from its passage.

Approved March 7, 1876.

CHAPTER 478.

AN ACT authorizing the appointment of commissioners to ascertain and re-mark the line between the counties of Fayette and Scott.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners
—how appointed. § 1. That the county courts of the counties of Fayette and Scott be, and they are hereby, authorized each to appoint two commissioners to ascertain and re-mark the boundary line between said counties.

May employ
surveyor and as-
sistants. § 2. Said commissioners may employ a competent surveyor, with such assistants as he may deem necessary; and said commissioners, with said surveyor and assistants, shall ascertain, from all the proof accessible to them, and make a survey of the true dividing line between said counties, and re-mark the same.

Must report to
county courts. § 3. Said commissioners shall report to the county courts of said counties the survey so made, with a plat thereof, which report and plat shall be recorded in the order-book of each of said courts, and shall be conclusive evidence of such dividing line.

Each county to
pay one half of
cost. § 4. Said commissioners shall also report the expense incurred in said work, including reasonable compensation to themselves and to the surveyor and his assistants, of which each county shall pay one half.

§ 5. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 479.

AN ACT to incorporate the Ludlow, West Covington, and Suspension Bridge Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That W. P. Devon, John W. Clark, Sherman J. Hedges, M. A. Bentley, James Bragg, Byron Hathaway, Henry Barr,

A. B. Classon, jr., James A. Cassidy, and George P. Humphries, and their associates, be, and are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Ludlow, West Covington, and Suspension Bridge Street Railway Company; and in such name to have full power to contract and be contracted with, sue and be sued, construct and manage a railway in said towns of Ludlow and West Covington and the city of Covington, and from the city of Ludlow to the city of Covington, with the right to employ two horses or mules to each car in propelling the cars upon said railway for the transportation of passengers only, and if necessary, in extreme cases, may use four horses or mules to each car; and may travel at such rate or speed as may be agreed upon by the cities and towns through which it may run.

Corporate powers.

1876.

§ 2. The capital stock of the company shall be twenty thousand dollars, with the privilege of extending the same to fifty thousand dollars, divided into shares of fifty dollars each, to be paid for thus: one dollar per share on subscribing, and the residue on such calls as the directors shall prescribe; and if any call shall remain unpaid thirty days after due, the same may be collected by suit, or the company may forfeit the subscription, and all payments made thereon, for the benefit of the corporation, after thirty days' notice to that effect being published in some newspaper, or served upon the subscriber to his successor.

Capital stock.

Shares—how paid.

§ 3. That the persons named in the first section of this act, or any three of them, are authorized to receive subscriptions to said capital stock at such time and place or places as they shall deem expedient, and receive the advanced installment; and whenever not less than fifty shares shall have been subscribed, may hold an election of five directors, who shall hold office for one year, or until their successors shall be qualified, and shall preside at the same, and give certificates to the persons elected directors. The election shall be by ballot, and stockholders may vote in person or by written proxy, and shall be entitled to one vote for each share held by him, and a plurality of votes cast shall elect.

Subscriptions—how received.

Directors—how chosen.

§ 4. The directors shall organize by electing one of their body president, and three shall constitute a quorum for business. The board may appoint such officers, agents, [and] em-

Officers.

1876. ployees as may be necessary or proper, and prescribe their duties, and fix their compensation; may make and ordain all necessary by-laws and rules for the management of the affairs of the company and its business, in the discretion of the president and directors; determine the time and place for holding the annual elections; and, from time to time, may declare such dividends of the business of the company as the net profits shall justify.

Route.

Right of way.

Fare.

§ 5. The business of said corporation shall be the construction and operation of a street railway from the west corporation line of Ludlow, on Elm street, and running thence to the suspension bridge, in Covington, along such streets and public highways in the said city or cities and towns, and the highways connecting the same, as the council thereof may grant the right of way to, and along such roads between the same, to which the county court of Kenton county, or the companies or corporation owning or controlling the same, may cede the right of way; and said towns or city or cities, and such companies, corporation, and said county court, are hereby authorized to grant the right of way, and agree to the necessary grade for the railway tracks; and when the right of way cannot be obtained by mutual agreement, then the company may proceed to condemn the same, as in cases of turnpike and plank roads. When the track may be prepared for use, and cars run thereon, the company shall have the right to charge reasonable rates of fare for passengers, not exceeding ten cents for each passenger from Ludlow to any point in the city of Covington; and from any point in Covington to the city of Ludlow, not exceeding ten cents for each passenger; and from Ludlow over the whole route to Cincinnati, not exceeding fifteen cents for each passenger each way, as may be agreed upon by the company and the cities and towns through which it may pass, which fare shall be payable on entering the cars; and if any passenger shall fail or refuse the payment, such passenger may be excluded from the cars: *Provided*, The company shall have the rate in print posted up in the car to plain view.

May acquire
real and personal
estate, &c.

§ 6. The company may purchase and hold such real and personal estate, route, and tracks as may be deemed requisite for its use, and sell and convey the same at pleasure; and may erect or purchase such buildings, car-houses, shops, sta-

bles, and offices for the use of the company, as the wants and conveniences of the business shall seem to demand.

1876.

§ 7. Authority is hereby given to the company to connect with and use the track of any railway company in said city and vicinity, on equitable terms, that is, to pay such company a fair compensation for the use of said track; and in the event this corporation fails to make an agreement with any railway for the use of its track, power is hereby given to condemn the same by writ of *ad quod damnum*, as provided in cases of turnpike, gravel, and plank roads by the laws of the Commonwealth; and it may also borrow money on the credit of the company, and issue its bonds therefor, bearing interest not exceeding ten (10) per cent. per annum, and secure the payment of the same by mortgage upon the property, rights, and franchises and incomes of the corporation: *Provided*, The bonds shall be payable after date at some particular place, and of not less denomination than fifty dollars, and there shall be coupons attached thereto.

May contract for use of track of other company, &c.

May issue bonds.

How payable.

Proviso.

§ 8. The company shall have the right to operate said cars by horse or mule power, and shall use such number of cars on its road as will meet fully all the wants and demands of travel.

§ 9. The president shall be the chief officer of the company, and shall perform such duties and possess such powers and receive such salary or compensation as the board may, from time to time, prescribe.

President—his duties and powers.

§ 10. The Legislature hereby reserves the right to amend or repeal the foregoing articles, or any of them, at pleasure. *Provided*, That nothing in this act shall be construed so as to authorize or empower this corporation to enter upon and use any of the streets, or any portion of the streets, of the city of Covington, until it has first obtained the consent of the city council of the city of Covington so to do. Nor shall this charter in any way interfere with or prevent the trustees of the Cincinnati and Chattanooga Railroad Company from building a branch of their road from the city of Ludlow to any point in the city of Covington, in case they desire to do so; nor shall the track of said street railway be located on any portion of the ground over which said trustees have secured or acquired the right of way, from Ludlow's heirs or any one else; but the said tract of said street railway shall be located south of the center line of the turnpike road leading

§ 11. Unless this company shall fully complete and equip its road, and have the same in full operation within two years from the passage of this act, this charter, with all its rights and privileges, shall be forfeited, and be of no effect.

Approved March 7, 1876.

**AN ACT to incorporate the Odd Fellows' Funeral Aid Association, of
Maysville.**

Corporators.

§ 1. That John R. Rudy, C. M. Phister, Thos. A. Davis, M. C. Russell, J. P. Phister, W. T. Berry, John Heiser, J. R. Carpenter, Josiah Wilson, Joseph H. Dodson, John Brosee, William Willocks, F. C. Petry, L. M. Mills, Geo. W. Walz, William McClanahan, S. R. Powell, James Miller, William Sproemberg, Frank McClanahan, E. D. Nute, J. J. Brosee, and Benj. F. Williams, or such of them as shall act, their associates, successors and assigns, be, and are hereby, created a body-corporate and politic, by the name and style of the "Odd Fellows' Funeral Aid Association, of Maysville, Kentucky," with perpetual succession, and full power to contract and be contracted with, sue and be sued; and to acquire, by purchase, deed of conveyance, lease, or other lawful mode, and the same to hold, use and enjoy, any real or personal property which the board of directors may deem necessary for the use of said association, not exceeding, however, twenty thousand dollars in value at any one time, which shall be exempt from taxation; and the same or any part thereof to sell, convey, lease or assign, transfer or otherwise dispose of, and generally to do and perform, for the well-being of said association, whatever shall lawfully pertain to such corporate bodies; and may have and use a corporate seal.

§ 2. The object of this association is to secure to the families of deceased members thereof such pecuniary aid as may be provided by the by-laws adopted by the board of directors, for the purpose of assisting to defray the expenses of the funeral of such deceased members, and for the relief of their families.

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Object of association.

§ 3. The above named corporators, or such of them as shall act, and their associates and assigns, shall have power to organize this association; and for that purpose shall meet in the city of Maysville, Mason county, State of Kentucky, and shall constitute the first board of directors, and shall hold their offices until their successors are duly elected and qualified.

Power to organize, and where

§ 4. Any member in good standing in any duly constituted lodge of the I. O. O. F., who desires to become a member of this association, may do so upon complying with the by-laws, and in accordance therewith.

Who may become members.

§ 5. The managers of this association shall consist of a board of directors, comprising fifteen members, to be chosen by the members of the association at the annual meeting to be held on the third Monday in January in each year. At all such elections every member is entitled to one vote; but no member is allowed to vote by proxy. In case of vacancies occurring during the year in the board of directors, the remaining members of the board shall have power to fill such vacancies. In all cases, however, at least twelve members of the board of directors shall be members of a lodge of I. O. O. F. in Maysville or vicinity. Immediately after the election of the board of directors, they shall proceed to elect from their own number a president, vice president, secretary, and treasurer, whose duties and emoluments shall be such as may be provided by the by-laws adopted by the board of directors. Said board of directors shall have power to adopt such by-laws as the welfare of the association requires: *Provided*, That such by-laws do not conflict with the Constitution of the United States and of the State of Kentucky.

Board of directors and their powers.

§ 6. This association shall be exempted from the operation of, and free from, the control of the Insurance Bureau of the State.

Association exempted from control of Insurance Bureau.

§ 7. This act to take effect from and after its passage.

Approved March 7, 1876.

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CHAPTER 481.

AN AOT to protect sheep in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There shall be annually levied and collected the following tax upon dogs in the county of Kenton: One dollar on each male and two dollars on each female dog owned or kept by any person or persons.

Assessor to re-
port list, &c.

Sheriff to col-
lect tax.

§ 2. It shall be the duty of the assessor of Kenton county to assess all the dogs, male and female, in said county, and report the same to the county court thereof at the same time he is required by law to return the list for other property; and a list of the same shall be made out by the clerk of said court and delivered to the sheriff of said county, whose duty it shall be to collect the same within the same time, and in the same manner, as in the collection of taxes imposed on other property, except as hereinafter provided.

Failure or re-
fusal to pay tax.

§ 3. If any person so assessed shall fail or refuse to pay the tax, it shall be the duty of the sheriff, or any constable that he may direct, to levy on any male or female dog upon which tax has not been paid, and sell the same; and if such amount of tax as is due shall not be bid and paid by the owner or other person, then the officer making the sale shall bid the amount of tax due on said dog or dogs for the county, and proceed to kill the same, for which service the officer shall receive the sum of fifty cents for each dog killed, to be paid him by the commissioner of the jury fund out of the fund in his hands collected on dogs; and should the officer fail to collect or kill the dog whose owner has refused or failed to pay the tax, he shall be fined not less than ten nor more than twenty dollars, to be recovered in the name of the Commonwealth; and it shall be the duty of the county attorney to prosecute the same, and for which service he shall be paid fifty per cent. of the amount collected.

Owner to make
oath.

Failure so to do.

§ 4. It shall be the duty of the assessor, after having taken each list of taxable property, to examine each person on oath as to the number of dogs owned by him, or any person under his control or in his employ, and list the same to his proper owner for taxation; and on failure so to do, shall forfeit his fee for said list; and it shall be his duty to certify, under oath, upon the return of assessment list, that he has so exam-

ined each person listing, and listed all dogs so far as he could get information; and if the assessor shall have information of any dogs not listed, it shall be his duty to examine any person on oath as to his information, and list the dog to his proper owner; and if the dog is not claimed by any person, then the dog shall be listed to the person at whose place he is most frequently found; and any person so testifying shall make any false statement as to number of dogs or to whom belonging, shall be liable to all penalties and prosecutions for false swearing now regulated by law; and any person being wrongfully listed shall have remedy of abatement as in other property; and the assessor shall receive for his services in assessing dogs five cents for each dog listed.

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§ 5. The sheriff shall pay to the commissioner of the jury fund in his county all the tax he may collect on dogs, at the same time he is required to pay the county levy, less five per cent. commission allowed him for collection, and take his receipt for the same; and for a failure to collect and pay over, or either, shall be liable on his official bond, and may be proceeded against by motion by any person having an interest in said fund in any court having jurisdiction.

Sheriff to pay over to commissioner of jury fund.

§ 6. The commissioner of the jury fund shall be liable, upon his official bond, for all moneys in his hands belonging to this fund, and shall pay the same out by the order of the county judge and county court; and shall be allowed one per cent. for receiving and paying out the same.

Commissioner liable on official bond.

§ 7. Any person killing a wolf, red fox, grey fox, or wild cat, and having complied with the act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats, approved February 23d, 1873, shall be allowed one dollar additional, and the clerk shall issue him a certificate for the same. Said certificate shall be received by the sheriff in payment of tax on dogs, and the court of claims in said county shall have the right to increase or diminish the tax upon dogs in said county annually.

§ 8. This act shall go into effect the 1st day of September, 1876, and shall not apply to the city of Covington.

Approved March 7, 1876.

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CHAPTER 482.

AN ACT to amend an act, entitled "An act to incorporate the Shelbyville and Bardstown Turnpike," approved February, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That an act, entitled "An act to incorporate the Shelbyville and Bardstown Turnpike Company," approved February, 1864, be amended as follows:

§ 1. Said company shall have power to charge and collect tolls at the rate fixed by law from all persons who travel upon said road, and who enter upon or leave said road at any point within three fourths of a mile south of the toll-gate upon the northern end of said road.

§ 2. Any person who shall travel upon said road and enter upon it, or leave it within the distance aforesaid, shall, within ten days of such travel, report and pay toll therefor to the keeper of the toll-gate aforesaid, and for his failure to do so, it shall be treated and held as avoiding the toll-gate, and such person shall be subject to the penalty now fixed by law for avoiding toll-gates.

§ 3. All fines collected upon prosecutions for avoiding toll-gates upon said turnpike road shall go to and belong to said turnpike company.

§ 4. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 483.

AN ACT to incorporate the Farmers' Deposit Bank, of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in Cynthiana, Harrison county, Kentucky, with a capital of fifty thousand dollars, in shares of fifty dollars each, which may be by the board of directors increased to one hundred thousand dollars, to be subscribed and paid for as hereinafter specified ; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Farmers' Deposit Bank, of Cynthiana; and shall so continue for a term of twenty years from the passage

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of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of seven directors, each of whom shall be a stockholder in the same, and a resident of this State; and, after the first election, the said directors shall be elected annually, on the first Monday in January in each succeeding year, and shall hold office until their successors are elected and qualified. They shall elect one of their number president; and shall hold regular meetings, at such times as may be fixed by the by-laws: *Provided*, That other meetings may be had at any time deemed necessary for the transaction of the business of the bank; and in the case of death or resignation of any director, the vacancy shall be filled by the board of directors; and the person so chosen by the said board shall hold office as a director until his successor shall be elected and qualified, at the next annual election.

§ 3. The directors shall have power to receive subscriptions for as many of the shares of the stock of said bank remaining unsold as they may, at any time, choose to sell; to declare dividends of the profits arising out of the business; and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such wages and salaries, and take from them severally such bonds, to secure the faithful performance of their duties, as they shall think proper and reasonable.

§ 4. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

§ 5. T. J. Megibbin, Noah S. Patterson, W. J. Lucas, N. B. Wilson, Samuel C. Rankin, John Lair, and M. D. Martin, are hereby appointed commissioners, any four of whom may open books and receive subscriptions for the capital stock: *Provided*, That public notice shall be given, by two successive insertions in one newspaper in the county, of the time and place where said books will be opened; and no individual shall subscribe for, or at any time hold, more than one hundred shares of said capital stock; and when four hundred

1876. shares have been subscribed, it shall be their duty to give notice in some newspaper published in Harrison county, Kentucky, and appoint a day for the election of a board of directors, who shall be qualified and hold their offices until their successors are elected at the ensuing annual election; and in all elections for directors of said bank, the stockholders shall be entitled to one vote for each share of the capital stock he or she may hold in the same. The payment for the shares subscribed shall be as follows: Two dollars on each share at the time of subscribing, and ten dollars within ten days after the election of the first board of directors, and the residue in installments of five dollars on each share every twenty days: *Provided*, That after fifteen thousand dollars shall have been paid in, or secured to be paid in, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper published in the county for four weeks, the directors may, by resolution entered on their records, forfeit such stock and resell the same, at such time and place as they may deem expedient, and all partial payments made on any stock which shall then be forfeited shall be held for the benefit of such defaulting stockholder, after deducting any unpaid calls.

§ 6. Said corporation may commence business as soon as fifteen thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

§ 7. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, and at such time, as may be agreed upon with the depositors, by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities, except real estate, for the payment thereof, and dispose of the same, as agreed upon at the time, in writing, in all respects as natural persons may do under the law.

§ 8. The said corporation may acquire, hold, possess and occupy, and enjoy all real estate, goods and chattels, as may

be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchase in satisfaction of any debt, judgment, or decree, and sell and convey the same; and may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

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§ 9. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 10. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose. The Legislature shall have the right to amend and repeal this charter.

§ 11. This act to take effect from its passage.

Approved March 7, 1876.

CHAPTER 484.

AN ACT to revise and amend the charter of the city of Dayton, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the territory of Kentucky included within the following boundary, to-wit: Beginning where the east line of that part of the city of Dayton (originally known as the town of Jamestown) intersects the Ohio river; thence down the Ohio river to the west line of Currie's subdivision southward to the south line of Fairfield avenue; thence with the south line of said Fairfield avenue eastward to the west line of Gilmore's second addition; thence southward with said line to the south line of Gilmore avenue; thence eastward with the south line of Gilmore's avenue to the east line of Walnut street; thence with the east line of Walnut street northwardly to the south line of Fairfield avenue; thence with the south line of Fairfield avenue eastwardly to the west line of Taylor's Terrace Garden subdivision; thence with said line southwardly to the south line of said subdivision; thence eastwardly with the southern line of Terrace Garden and Tibbatt's subdivision to the west line of McKinney street; thence with the west line of McKinney street south-

Boundary.

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§ 2. Said city shall have, and is hereby vested with, all the rights, titles, interest, powers, and authority which were vested in, possessed, and held by the original trustees of the town of Jamestown and their successors, the trustees of the original town of Brooklyn and their successors, and the president and city council of the city of Dayton, or in any manner held for or by said towns or city; but said rights, titles, &c., shall be held for the same purposes, and subject to the same trust, as heretofore; that all the streets, alleys, roads, lanes, commons, market spaces, public squares, public buildings, public landings and wharves, and all other public property in said city, be, and the same is hereby, vested in said city as now established; and whenever any land adjacent to said city is added thereto, and made part thereof, the streets, alleys, &c., dedicated to public use shall thenceforth be vested in said city, and be subject to the laws thereof, and certified copies of all plats of lots, streets, alleys, market spaces, wharves, and other grounds for public use, heretofore recorded, and which may hereafter be recorded, shall be received as evidence in all the courts; and the recording of any plat shall be held to be a dedication of the streets, alleys, and other grounds therein designated for public use.

§ 3. Said city shall be, and is hereby, divided and laid off 1876.
 into four (4) wards, to be known and designated as the First, Wards.
 Second, Third, and Fourth Wards, and bounded, respectively,
 to-wit: First Ward: All that portion lying on the north side of Boundaries.
 Third street, beginning at the east corporation line, running
 west on Third street to Berry avenue; said ward is bounded
 on the north side by the Ohio river. Second Ward: Begin-
 ning at the east corporation line, running west on Third
 street to Clay street, south on Clay to Seventh, west on
 Seventh to Berry, southeast on Berry to the southern cor-
 poration line on Eight street, east on Eight street to the east
 corporation line, northwest on east corporation line to the
 place of beginning. Third Ward: Beginning at the south-
 west corner of Third and Clay streets, running west on Third
 to Berry, north on Berry to the Ohio river, west with the
 Ohio river to McKinney street, southeast on McKinney to
 Madison, east on Madison to Berry, southeast on Berry to
 Seventh, east on Seventh to Clay, north on Clay to the place
 of beginning. Fourth Ward: Beginning on the southeast
 corner of Berry and Madison streets, running west on Madi-
 son to McKinney, north on McKinney to Ohio river, west
 with the Ohio river to west corporation line; thence south to
 the south corporation line; thence east to the southeast corner
 of Berry street and the south corporation line; thence north
 on Berry street to the place of beginning. The president
 and city council of said city may, by ordinance concurred in
 by a majority of the members, upon the call of the yeas and
 nays, passed not less than ninety days previous to a general
 municipal election, change the boundaries and number of the
 wards in said city; but no such change shall be made until
 after the second Monday in March, 1878, nor shall the num-
 ber of wards in said city exceed six in number until the
 qualified voters thereof shall exceed three thousand.

Wards and
 boundaries may
 be changed.

Legislative, Executive, and Ministerial.

§ 4. The legislative, executive, and ministerial power of Officers.
 said city shall be in a board of councilmen, consisting of a
 president, to be elected by the qualified voters of said city,
 and two members from each ward, to be known as "The City
 Council of Dayton," a mayor, city clerk, treasurer, assessor,
 marshal, and attorney, each to possess the qualifications and
 serve for the terms hereinafter prescribed.

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Legislative.

President of
the city council.
Term of office.

Powers.

Shall supervise.

§ 5. The president shall be elected by all the qualified voters of said city on the second Monday in March, 1876, for the term of two years, and until his successor is elected and qualified. He shall possess the same qualifications as is hereinafter provided for members of the city council, except as to his residence in any particular ward of said city. He shall preside at all meetings of the city council, decide all questions of order, and, in case of a tie, shall give the casting vote; and, in the absence of the mayor, he may try all causes over which said mayor has jurisdiction, and do and perform all other acts and things which the mayor is or shall be lawfully empowered to perform. He shall exercise a general supervision over the prudential affairs of the city, and shall, from time to time, advise and admonish the city council, and other branches of the city government of the condition thereof, accompanying the same with such suggestions as will, in his opinion, best promote the interest and prosperity of said city, and recommend such measures as he may deem essential and proper for their consideration. He shall have and exercise a general supervision over all executive and ministerial officers of said city, and see that their duties are faithfully performed, and he may, when necessary, require from them a statement, in writing, of the business and condition thereof, pertaining to their respective offices; and should any of said officials fail to discharge their duties promptly, after being notified of such neglect or failure, he shall then report the same to said city council. He shall see that the laws, ordinances, and resolutions of, and all contracts made with, said city are faithfully executed. For special reasons he may convene said city council, at any time; and it shall be his duty to convene said council at the written request of three members thereof. He shall appoint all standing committees of said city council.

Members of city
council.

How and when
elected.

Term of office.

Who eligible.

§ 6. On the second Monday in March, 1876, and annually thereafter, there shall be elected one member of council from each ward of said city, by the qualified voters thereof, who shall serve for two years, and until his successor is elected and qualified. No person shall be eligible as a member of said city council who is not a male citizen of the United States, (25) twenty-years of age, a housekeeper or owner of

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real estate in said city, and who has not been a qualified voter in said city one year next preceding his election, and a resident of the ward (90) ninety days next preceding his election, or who holds any other civil office, or who is directly or indirectly interested in any contract, written or parol, wherein the city shall be a party, or who shall be in arrears for any money collected or held by him, without settlement or quietus therefor; and should any member of said council subsequent to his election become disqualified from any of the foregoing causes, his office shall thereupon become vacant. Said city council, when duly qualified therefor, shall be organized into a board for the trial and determination of contested elections for all elective city officers, and as such board may hear and determine all charges that may be preferred against the official conduct of any of the officers of said city; and, if found guilty, reprimand, suspend for (60) sixty days, or, by a two-third vote of all the members, expel the accused. But said city council shall be the judge of the qualification and returns of its own members. A majority of the members of said city council shall constitute a quorum to transact all ordinary business, and although a less number may adjourn, from time to time, to compel the attendance of absentees, yet the passage of an ordinance, the execution of a contract, or the appropriation of money exceeding one hundred dollars, shall be valid only when concurred in by a majority of all the members elected to said council, upon a call of the yeas and nays. The members and president of said council shall each receive for their services the sum of (\$1) one dollar for each regular meeting of said council which they shall attend; but shall receive no compensation for special or adjourned meetings, or for any other services rendered by them as members of said council. The regular meetings of said city council shall be on the first and third Monday of each month. Whenever a vacancy shall occur in the said council or board of education or any city office, it shall be the duty of said city council to call a special election, to be held not more than (15) fifteen days from the time such vacancy occurs, to fill the same, unless such vacancy happens less than (90) ninety days next before a regular municipal election; in that case said city council, a majority concurring, shall appoint some suitable persons to fill the vacancy until

Misconduct in office—how punished.

Compensation of president and members.

Vacancy—how filled.

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the next regular municipal election. All ordinances shall be read and submitted for discussion at two regular meetings of said council, and concurred in by the requisite number of members thereof: *Provided, however,* That the rules as to the reading at two regular meetings may be suspended by a vote of two thirds of the members elect of said council. No ordinance shall embrace more than one subject, and that shall be expressed in its title; nor shall any ordinance be altered or amended, but may be repealed. * Before general ordinances shall take effect and be enforced, the same shall first be published, by posters or otherwise.

Powers of council.

§ 7. Said city council shall have power to provide and control a city prison, erect or procure suitable buildings for a poor-house, work-house, and police station, and may appoint the necessary officers to manage and supervise the same, and make such rules and regulations as they may deem necessary for the good government of the same. To provide for the prevention and abatement of malignant, contagious, or dangerous diseases, and may provide a pest-house in which they may have persons placed who are infected with such diseases, subject to such regulations as they may provide. To prohibit hogs, cattle, and other animals from running at large in the streets, or public places of the city. To provide means for the suppression of tippling houses, gambling-houses, bawdy-houses, or houses of ill-fame, unauthorized lotteries, policy offices, and such other houses as are the common resort of idle, dissolute, and disorderly persons; for the suppression of riots, disturbance of religious assemblies, or of the public peace, clamors in streets or public places, and indecent or licentious conduct, and the suppression of everything of an unlawful character. They shall have power to cause the removal or abatement of any nuisance on public or private property within the limits of said city; and to proceed, after due notice, to remove or abate the same at the cost and expense of the owner or occupant thereof (including penalties and cost), when said owner or occupant shall fail to comply with such ordinances as said city council may adopt in relation thereto; and said expenses, penalties, and cost shall constitute a lien upon such property, and may be enforced in a court of competent jurisdiction as other liens are enforced, provided that expense of said removal or abatement shall not

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exceed twenty-five per cent. of the value of said property, to be estimated after the work is done; to prohibit the manufacture of gunpowder or other explosive, dangerous, or noxious compounds or substance in said city, and to regulate their sale and storage by license; to provide, maintain, and control fire-engines, hose, hose-carriages, horses, harness, buildings for and appurtenances necessary to constitute an efficient fire department, and to employ the requisite number of men to manage and operate the same, who may be vested with police powers when deemed expedient by said council; to establish and regulate markets, market-houses, and market spaces, wharves, landings, &c., and to fix the rates for the use and occupancy thereof; to have exclusive control of, establish, regulate, and change the grades of all streets, lanes, alleys, sidewalks, wharves, and all public thoroughfares and grounds within the limits of said city; to widen or extend the same, and to open new streets when the same shall become necessary for the benefit of the public; to prohibit the erection of wooden buildings when permanent buildings may be endangered thereby, and require every person to obtain a permit before they shall erect any building in said city; to provide for the indexing of streets, and for the numbering of houses, vehicles, &c., and to prescribe fines and penalties for failure to comply therewith.

§ 8. Said city council shall have the exclusive right to license, and levy and collect a specific annual tax, not to exceed (\$100) one hundred dollars, on all taverns, hotels, coffee-houses, club-rooms, or any other establishments wherein malt, fermented, vinous, or spirituous liquors are retailed within said city, under such rules and regulations as may be prescribed by ordinances; but tavern-keepers, retailers of spirits, &c., shall be liable to the revenue tax.

Power to license and levy and collect specific taxes.

§ 9. They shall have power to provide, by ordinance, for the following annual specific taxes or licenses, to be paid into the city treasury by those doing business in said city, and who do not pay an ad valorem tax thereon, and to prescribe the penalties for doing business without the required licenses: each livery stable, and each dealer in live stock, not less than ten dollars nor more than two hundred dollars; each hawker, buckster, or peddler, not less than five dollars nor more than one hundred dollars; each auctioneer, pawnbroker, real estate

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agent, or street broker, not less than five dollars nor more than twenty-five dollars; each insurance company, lottery, intelligence, claim, commercial, express, exchange, or gift enterprise office or agency, not less than ten dollars nor more than one thousand dollars; each bank and broker shall pay double the amount paid to the State and no more; each concert, circus, menagerie, theatrical, or other exhibition or entertainment, where an admission fee is charged, not to exceed fifty dollars per day; each vehicle owned or held for profit or hire, and not otherwise taxed by the city under a license, not less than two dollars nor more than ten dollars; each dog or goat, not to exceed five dollars per annum; and said board may, in like manner, provide for the levying and collection of a specific tax or license on every other business or calling not herein enumerated, and classify and grade each business, profession, or calling subject to said tax or license, and fix the rate thereof within the minimum and maximum herein stated, and determine how the same shall be collected and paid: *Provided*, That this charter shall not be so construed as to authorize the city to tax any property exempt by the laws of the State, and to provide for the listing for taxation of any establishment or business subject to taxation which may have commenced or opened subsequent to the time fixed for said assessment.

Ad valorem tax
—power to levy
and collect same.

§ 10. Said city council shall have power to cause to be annually levied and collected, and paid into the city treasury, an ad valorem tax of two dollars on the one hundred dollars fair cash valuation of all the real, personal, and mixed property within said city not exempt from municipal taxation by the laws of the State. Persons paying a license or specific tax on their business or calling shall be exempt from an ad valorem tax thereon. It shall be the duty of said city council to set apart annually one dollar out of the two dollars ad valorem tax as herein provided, to be known as the "Sinking Fund," to be used exclusively for the payment of the interest and principal of the bonded debts of said city and for no other purpose; and the treasurer of said city shall execute a bond in the sum of \$10,000, with good security, as custodian of said sinking fund; and on payment made by him from sinking fund, except in reduction of the debt of said city as it now exists, shall be deemed, and it is hereby declared, a felony, and punished by fine and imprisonment, in the discretion of a

jury, in any sum not exceeding five thousand dollars, and by imprisonment not less than one nor more than five years, or both fine and imprisonment.

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May pass ordinances by-laws.

§ 11. Said city council shall have power to pass all ordinances and by-laws not in conflict with this charter, or the Constitution of this State, that may be necessary for the good government and police regulation of said city. They may affix such penalties for violation of ordinances, not to exceed one hundred dollars fine, or imprisonment in the work house or jail not exceeding two months, or both, in the discretion of the court, for each offense, as they may deem the good order and welfare of the city may require. They may, by a unanimous vote, remit fines and penalties and forfeitures, or any part thereof: *Provided*, That such remission shall be effectual only so far as said city is interested therein. The style of all ordinances shall be: "Be it ordained by the City Council of the City of Dayton."

May borrow money.

May issue bonds.

How signed.

§ 12. Said city council shall have power to borrow money upon the credit of said city, and pledge the revenues for the payment thereof; to appropriate money and provide for the payment of the debts and expenses of said city; to issue the coupon bonds of said city of the denomination of one hundred and five hundred dollars, payable twenty years after date, and bearing interest at the rate of eight per centum per annum, and shall be numbered consecutively for one to one thousand, inclusive; said bonds shall be signed by the president of the city council, and countersigned by the city clerk, who shall then deliver the same to the city treasurer, taking his receipt therefor. The city treasurer shall dispose of said bonds, for the use of the city, at not less than ninety-five cents on the dollar: *Provided, however*, That the total indebtedness of said city, bonded or otherwise, shall at no time exceed the sum of one hundred thousand dollars until after the 1st day of January, 1886; and all the outstanding and unpaid debt of said city, as computed up to the time of the passage of this act and its adoption, shall be embraced and provided for in the said sum of one hundred thousand dollars, whether represented now by bonds of said city already issued or claims against said city not bonded; and before said bonds shall be delivered to the city treasurer, the city clerk shall register the same in a book to be kept for that purpose, giving the date and denomination of the bonds issued.

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Assessment, Equalization, and Collection of Taxes.

Assessment—
how and when
made.

Board of equal-
ization.

When to meet.

Compensation.

Duty of board.

§ 13. The assessment of the taxes herein provided shall be made and valued as of the 15th day of April of each year, and a return thereof made on or before the first Monday in May of each year, on which day the books of the assessor shall be returned to the office of the city clerk, and then remain open to the inspection of all persons concerned until the third Monday in May. Said books shall then be delivered to a board hereby created and styled the "Board of Equalization," to consist of the president of the city council, who shall be *ex officio* president thereof, and three citizens possessing the qualifications of assessor, who shall be elected by the city council of said city from six persons nominated to said city council by the president thereof. Said board of equalization shall convene at the city clerk's office on the third Monday in May of each year, and continue in session during the business hours of each day, until the first Monday in June if necessary. Said members of said board shall each receive (\$2) two dollars for each day they attend its sessions as aforesaid, to be paid out of the city treasury. It shall be the duty of said board to examine with care all tax-list in the assessor's books, and correct any and all errors therein discovered by them; and where they shall be of opinion that any property has been incorrectly valued, to equalize and enter on said books, opposite said entry, its proper value; but before they shall increase the assessed value of any property, except the property of non-resident owners who have no agent resident in said city, they shall prepare and issue to the owner or agent thereof a notice in writing, containing a brief description of the property, with its assessed value, and the proposed increase thereof, with summons to appear before said board on a day to be therein named, and show cause why said increase should not be made; said notice to be served by the marshal, or some person deputized by him in writing so to do; and in case said owner or agent is absent from said city, said notice may be served by leaving a copy with any person over fifteen years of age found at his or her usual place of abode; and should no such person be found at said place, then by posting a copy of the same on the front door of the residence; and should said owner or agent fail or refuse to appear and show cause, said board shall increase said assessed value ac-

according to said notice. Said board shall, upon satisfactory information, receive and enter the tax-list of any person omitted by the assessor for that or for two years next preceding; and they shall have like power with the mayor to compel the attendance and testimony of the assessor, and such other witnesses as may be necessary in the proper discharge of their duty. Said board shall keep a record of their proceeds, embracing all corrections and alterations made by them in the books of the assessor; which record and book shall then be returned to the city council, who shall thereupon pass an ordinance for the levying and collecting of taxes for that year, and direct the city clerk to make out the tax-bills in accordance with the corrected list as returned by the board of equalization. Said tax-bills shall be made out in a book to be provided for that purpose, with stubs attached, which will be a duplicate in brief of the tax-bill against each person assessed with taxes, specifying therein each item of taxation, the value thereof, and the tax imposed; and when taxes are levied upon the property of persons unknown, a separate tax-bill shall be made out for each lot or parcel of ground taxed. Said tax-bills shall be each for half yearly payments due, and payable one half on or before the 15th day of July, and the other half on or before the fifteenth day of January, of each year. The city clerk shall within twenty days after said bills are ordered to be made out, deliver the same to the city treasurer for collection, taking his receipt for the gross amount of the taxes contained in said bills. The treasurer, upon receipt thereof, shall post notices in each ward of said city that the tax-bills for the current year are in his hands for collection, and that payment will be required to be made, one half on or before the fifteenth day July, and the other half on or before the fifteenth day of January as aforesaid; and that in default of payment, the prescribed penalty will be attached thereto. Payment of all tax-bills shall be officially indorsed by the treasurer, and all tax-bills due on the fifteenth day of July, remaining in his hands unpaid on the first Monday in August, and those due on the fifteenth day January remaining unpaid on the first day of February, shall be indorsed by him delinquent, and within five (5) days thereafter returned to the city clerk, who shall thereupon enter a credit therefor upon the treasurer's receipt, and then add to said tax-bills such penalty as may be pre-

1876.

Shall keep record, &c.

Tax-bills—how made out.

City clerk—his duty.

Payment of tax-bills.

1876. scribed by ordinance, not exceeding fifteen per cent., and re-deliver the same to the treasurer, who shall receipt therefor; and all delinquent tax bills remaining unpaid on the first Monday in June shall be returned to the city clerk, and shall, with the penalty thereon, be added to the next semi-annual tax-bill on the same property, and shall constitute one of the items thereof, and shall so continue to be added until paid; and a lien in favor of the city shall exist and continue upon said property for all the taxes, penalties, and cost until the same be fully paid. And the city may, at any time when it shall deem the amount of said delinquent taxes, penalties, and cost will justify, institute proceedings in the Campbell chancery court, or court of similar jurisdiction, to enforce said lien as other liens are enforced, and with like effect; and a certified copy of said delinquent tax-bill shall be *prima facie* evidence of the plaintiff's right of recovery.

Original Construction of Streets, Alleys, &c.

§ 14. Said city council shall have power to cause the opening and improvement in the original construction of any street, alley, lane, road, avenue, or thoroughfare in said city, by grading, paving, graveling, macadamizing, or in any other manner, or with any other material, they may deem best, upon a petition of the owners of a majority of front feet abutting on that part of square or squares of the street, alley, lane, road, avenue, or thoroughfare to be improved. Said city council may, however, cause said improvement to be made, without such petition, if two thirds of the members concur therein on a call of the yeas and nays, which shall be recorded on the journal: said improvement to be made at the exclusive cost and expense of the owners of the property abutting thereon, to be apportioned pro rata according to the number of feet owned by them respectively, by the assessment and levy of a special tax, at a rate per lineal foot of the real estate abutting on that portion of the street, alley, &c., improved, and shall be due and payable within sixty (60) days after the completion of the work, and the acceptance thereof by said council. Said cost and expense shall attach and exist as a lien against said real estate from the time the contract for said improvement is awarded until paid; and if payment thereof be not made within sixty (60) days after the acceptance of the work, the contractor in whose

1876.

favor said lien shall exist may enforce the same, with interest thereon, in any court having jurisdiction thereof. Error in proceedings of said council shall not exempt said owner from payment, after the work has been done, as required by ordinance or contract; but said board, or the court in which suit may be pending, shall make all necessary corrections, rules, and orders, and do justice to all parties concerned; but in no event, if the ordinance provided for said improvement has been passed as required in this section, shall the city be liable for the cost of said improvement. The grade of the street, alley, &c., to be improved shall be first established, and an estimate of the work required to be done thereon ascertained before the ordinance providing therefor shall be passed, and the expense thereof, including the intersections adjoining, shall be added thereto, and distributed pro rata thereon and fixed, before any contract shall be entered into by said city for said improvement. Said grade, estimate, and expense shall be embraced in and form part of said contract; and the special tax hereinbefore provided shall not exceed the amount stated in said contract, and for which alone said property shall be liable: *Provided, however,* That the cost of said improvement shall not exceed twenty-five per centum of the value of the property abutting thereon, to be estimated after the work is done. All work done and materials furnished in the original improvement of streets, alley, &c., shall be under the supervision and inspection of the president of the council, city engineer, and chairman of the street committee of said council, whose duty it shall be to see that all work is done and material furnish in accordance with the contract; and, upon the completion thereof, said president, engineer, and chairman of street committee shall accept the same, and report such acceptance to said city council at its regular meeting; and if said acceptance is concurred in by said council they shall thereupon pass an ordinance levying a special tax in favor of the contractor for the cost thereof as hereinbefore stated, and the city clerk shall thereupon make out and deliver to the contractor special tax-bills in his favor against each of the owners of property abutting on the street, alley, &c., as improved, in accordance with the number of front feet owned by them respectively: *Provided, That not less than*

- 18.6. one square of any street shall be improved at one time; and if more than one square shall be improved under one contract, the same may be accepted by squares as they shall be respectively completed; and the expense thereof shall be levied and collected as though said square was an entire contract. Each subdivision of a street, alley, &c., extending from one street to another, running at right angles thereto, shall be deemed a square.

Reconstruction and Repair of Streets, Alley, &c.

§ 15. The reconstruction, repair, and cleaning of the said street, alley, &c., in said city shall be under the control and power of said city council. The president of the city council, at the second regular meeting of said council subsequent to his election, shall appoint a committee of one member from each ward in said city, to be styled the Street Committee, whose duty it shall be to inspect the street, alley, &c., of said city, and report, in writing, to said city council such as need reconstruction or repairs, together with the character of the work, the kind of material to be used, and the probable cost thereof, and recommending the most advisable method of having the same done, either by contract or otherwise. Upon the adoption of said report, by a majority of said council, they shall pass an ordinance therefor prescribing the materials and manner of said reconstruction or repair. The cost of said reconstruction and repairs shall be paid out of the general fund of said city.

Sidewalks.

§ 16. The construction and reconstruction of all sidewalks in said city shall be made at the cost and expense of the owners of property fronting or abutting thereon, at such times and in such manner as the board of councilmen may prescribe by ordinance; and said board may by resolution have said sidewalks repaired, after having given the owners thereof a copy of said resolution for not less than ten days; and in case of refusal or failure of said owners, or their representatives, to have said work done in the manner and within the time prescribed by said ordinance or resolution, said board may have said work done under contract with the lowest and best bidder, the cost and expense thereof to be assessed against and collected from said owners of property

fronting or abutting on the sidewalks so constructed, reconstructed, or repaired; and said expense shall attach and exist as a lien in favor of the contractor against said real estate from the passage of the ordinance or resolution directing said work to be done until paid; which lien may be enforced by said contractor in a court having jurisdiction thereof as other liens are enforced. Upon the completion and acceptance of said work, the necessary ordinance shall be passed, as is herein provided, for the improvement of streets, and thereupon the liability of the city shall cease; the owners of corner lots to bear the expense of sidewalks, intersections, adjoining their property.

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Street Railroads.

§ 17. Said city council shall have power to grant to street railroads the use of the street of said city upon such terms and conditions as may be prescribed by ordinance, but no such right shall be granted except upon the consent of the owners of property abutting on said road.

§ 18. The board of education of said city shall deliver to the city council, on or before the first Monday in May of each year, a statement in writing of the probable amount necessary to defray the expense of the public schools of said city for the year following. Said council shall thereupon cause to be levied and collected an ad valorem tax on all the taxable property in said city sufficient to raise said amount, which shall be paid over to said board: *Provided*, That said ad valorem tax shall not exceed forty cents on the one hundred valuation in any one year, and shall be included in the two dollars ad valorem tax hereinbefore provided.

§ 19. Said city council may provide and maintain such police force, not to exceed ten in number, as they may from time to time ordain; said police to be appointed by the mayor, and confirmed by the council. The mayor may, for causes, suspend any member from said force, and shall report his action to the city council at their next regular meeting, who shall dismiss or reinstate said policeman according to the justice of the case. The city marshal shall be *ex officio* chief of police, subject, however, to the order of the mayor in case of emergency, who may then exercise a supervisory control over said force, and swear in such number of special police as the safety and interest of the city may require.

City marshal
ex-officio chief of
police.

1876.
Wharfs, &c.

§ 20. Said council shall have power to establish wharves, and a general system of wharfage, on that portion of the Ohio river opposite to said city, and to pass all ordinances regulating the manner in which boats, rafts, and other water-crafts shall anchor near or at said wharves, prescribing the terms and mode of collecting wharfage, and the infliction of adequate penalties for violation of said ordinance.

(Officers to take
oath.

§ 21. All officers of said city, before entering upon the duties of their respective offices, shall take an oath or affirmation, to be administered by the mayor or a justice of the peace, to support the Constitution of the United States, the Constitution of the Commonwealth of Kentucky, and the laws and ordinances of the city of Dayton.

Misconduct in
office—how pun-
ished.

§ 22. Any officer of said city who shall make, or knowingly permit others to make, false entries in his books, or allow or disallow any items with intent to cheat or defraud said city, or any officer or person doing business therewith, or shall embezzle, use or loan, knowingly misapply, or withhold any money or property of any kind belonging to said city, coming to his hands officially, shall, upon conviction thereof, be removed from office, be fined in any amount not to exceed the damage sustained, and be confined in the penitentiary not less than two nor more than ten years, and be disfranchised from holding any office of profit or trust in said city thereafter.

Miscellaneous.

§ 23. All voters for city officers shall possess the same qualifications as voters for State officers, and must have resided sixty days in the city, and twenty days in the ward, next preceding the elections at which they shall offer to vote. All claims of the coroner of Campbell county for holding inquest within the city limits shall be paid out of the treasury thereof. No county levy shall be made on persons or property in said city. The fiscal year of said city shall commence on the first day of February each year. The salaries of all officers of the city shall be fixed at the last regular meeting of the city council next before the election to fill such office, and shall not be diminished or increased during said term: *Provided, however,* That the city council may allow additional compensation to any officer when he is required to perform extra services for said city. Should any officer, except the mayor, of

said city be temporarily disabled from discharging the duties of his office, or be absent from the city, said city council may appoint a suitable person *pro tem.*, who may discharge the duties of said office during the continuance of said disability or absence, allowing such compensation to said officer as they may deem right, not exceeding in proportion the amount of salary to which said officer may be entitled, deducting the same from the salary of said officer, unless he be absent on business of the city by leave of the council.

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Executive.

§ 24. The chief executive powers shall be vested in a mayor, to be elected by the qualified voters of the city, on the first Monday in August, 1878, for the term of four (4) years, and until his successor is elected and qualified. He shall possess the same qualifications as is hereinbefore provided for members of the city council, except as to his residence in any particular ward of the city. He shall be at the head of police of said city, and may command them in the performance of executive duties; shall be a conservator of public peace; and, when deemed necessary by him to enforce the laws of the city to save life or property, or to quiet riots or mobs, he may summons into service any of the citizens, either civil or military, and in such cases he must be present and command in person; and the city council shall by ordinance prescribe suitable fines and penalties for disobedience of the mayor's orders or summons.

Judicial.

§ 25. The judicial powers of said city shall be vested in and exercised by a court styled "The Mayor's Court of Dayton," which shall be held by the mayor of said city. Said court shall be a court of record, and have a seal to be provided by the city council, and shall be in the custody of the mayor, who shall be *ex officio* clerk of said court; but he shall have power to appoint a clerk, who shall receive no compensation from the city. Said clerk, before entering upon the discharge of the duties of his office, shall take the same oath or affirmation prescribed for other city officers. Said court shall be holden at such place within the city limits as the city council shall designate, or, they failing to designate or provide a suitable place, at such place as the mayor may

1876. select. The mayor shall have power to fix the time of holding court as, in his discretion, the business before him may seem to require. The said mayor's court of Dayton shall have exclusive original jurisdiction in all proceedings or prosecutions for violations of the ordinances of said city, and concurrent jurisdiction with justice of the peace of Campbell county in all civil and criminal cases within the limits of the city of Dayton; and in criminal cases the jurisdiction of said court shall extend a half a mile beyond the limits thereof; and as an examining court shall have and exercise the same power and perform the duties of two justices of the peace; take recognizances for appearances in said court on a day named therein, cognizable in said court. The mayor shall have concurrent jurisdiction with the judge of the Campbell county court in awarding and determining writs of *habeas corpus*, attachments, injunctions, and in the administration of oaths. All appeals from the mayor's court shall be direct to the circuit or chancery court of Campbell county, the same as appeals from the quarterly court of said county, when the amount in controversy, exclusive of interest and cost, exceed (\$20) twenty dollars. Said court shall have jurisdiction of all cases of vagrancy arising within the limits of said city. All fines and forfeitures in the mayor's court, in the name or in favor of the Commonwealth of Kentucky, or in the name of the city of Dayton, are hereby granted to the city of Dayton; and all said fines or forfeitures shall be collected by the city marshal, and paid over to the city treasurer. Upon all judgments of fines rendered by the mayor's court, whether in favor of the Commonwealth of Kentucky or of the city of Dayton, unless said fines be paid or replevied by the defendant, the mayor shall commit said defendant to the city jail or workhouse, to work out said fines at the rate of fifty (50) cents per day. The mayor shall receive the same fees as justices of the peace of Campbell county are now allowed by law, except that he shall be allowed a fee of two dollars for issuing each peace warrant and warrants for violation of law; in cases of violation for city ordinances he shall receive such fees as the city council may fix by ordinance.

Ministerial.

§ 26. The city clerk shall be elected by the qualified voters of said city on the second Monday in March, 1876, for the

term of two years; he shall have the same qualifications as the mayor, and shall execute bond, with security, to be approved by the city council, in the sum of two thousand dollars, for the faithful performance of the duties of his office; he shall attend all the meetings of the city council, and keep a correct and complete record of their proceedings; he shall make out all tax-bills, and shall correctly keep the account of each tax-payer with the city; he shall audit and keep the account of said city, the officers thereof, and of contractors and other persons transacting business with or for said city; and at the end of each fiscal year he shall prepare and render to said city council a full and detailed statement thereof, embracing all the receipts and disbursement for the year; he shall make out all licenses, permits, and other documents authorized by law to be issued from his office; he shall be the custodian of the seal, and all public records, books, contracts, bonds, and papers of the city, and file the same in the archives of said city; he shall receive from the officers of the city and other persons all fees, fines, forfeitures, and charges for licenses to which the city may be entitled, and pay the same into the city treasury, taking a receipt therefor; and shall perform such other duties not inconsistent herewith as may be prescribed by ordinance; he shall be furnished with a suitable office, appropriately fitted up, and furnished with all necessary books, blanks, and stationery, which office he shall keep open during the business hours of each day, Sundays and legal holidays excepted; and he shall receive as compensation for his services such annual salary as the city council may ordain.

1876.

Treasurer.

§ 27. The city treasurer shall be elected by the qualified voters of said city at the same time, and for the same term, and shall have the same qualifications, as the city clerk; and he shall, before entering upon the discharge of the duties of his office, execute bond, with security, to be approved by the city council, for the sum of twenty-five thousand dollars; he shall receive, have charge of, and be responsible for all money and other funds coming to the city treasury belonging to said city, and he shall not pay out said money or funds except upon an order of the city council, signed by the president thereof, and countersigned by the city clerk, and then only

1876. from the particular fund upon which said orders may be drawn, which orders shall be carefully preserved by him, and serve as his vouchers in his annual report; he shall, upon receiving the tax-bills, receipt therefor, and shall forthwith have notices posted up in said city, stating therein to whom, when, and where said tax is payable, and when the penalty prescribed by ordinance will attach thereto, and he shall collect all delinquent tax-bills with the penalties thereon; he shall keep a correct account of the condition of each fund of the treasury, showing the receipts and disbursements, and he shall, when required by the city council, submit the same, together with his books and papers, to a committee thereof for inspection and examination; he shall at all times keep said city council fully advised of the time, manner, and amounts of all maturing liabilities of said city, and shall, at the end of each fiscal year of said city, report, in writing, to the city council a detailed and classified statement of the receipts, expenditures, and fiscal concerns of said city during the previous year; and shall perform such other duties not inconsistent herewith as may be prescribed by ordinance; and he shall receive such compensation for his services as the city council may ordain.

Assessor.

§ 28. The city assessor shall be elected by the qualified voters of said city, at the same time and possess the same qualifications as the city treasurer, for the term of one year. Before exercising the duties of his office he shall execute bond in the sum of \$2,000 00, with security approved by the city council. He shall, as soon as practicable after the second Monday in March in each year, in a fair and impartial manner, assess at a fair cash value all property in said city subject to taxation under the provisions of this charter and the laws of the State; the list of personal property shall be made upon the oath of the party taxed, administered by the assessor; and if any such person shall fail or refuse to give, or if in the opinion of the assessor he, she, or they shall give an incorrect list of said property, he shall list the same from such information as he may possess, and make a proper note thereof on his books opposite the name of the party for the board of equalization; he shall make a complete book of all assessments, showing the names of all persons assessed, in alpha-

betical order; and a full and complete description of all kinds of personal property of each assessed, and the separate and aggregate valuation thereof against each owner. It shall be his duty, in assessing the real estate in the city, to give the name of the owner as aforesaid, and describe each and every lot, block, or piece of ground he shall assess to such owner, said description of said real estate to be by number of lot and block, as shown by the plats of said city; and in case of fractional lots, and lots and blocks not numbered, he shall give such description as will, with reasonable certainty, designate the same, and apprise the owner thereof. Upon examining the assessor's book of assessment, he shall fix the value of each lot or piece of ground, and the aggregate value of each person's whole real estate assessed. He shall return his books to the office of the city clerk on or before the first Monday of May in each year; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance, receiving as compensation for his services such salary as the city council may ordain.

1876.

§ 29. The city marshal shall be elected by the qualified voters of said city, on the first Monday in August, 1876, for the term of two years, and until his successor is elected and qualified. He shall, before entering upon the duties of his office, take like oath, and execute like bond, as required by the Constitution and laws of this State for sheriffs. He shall possess the same qualifications as the mayor of the city; and in case he fails to qualify in thirty days after his election, the city council shall by resolution declare said office vacant, and order a special election to be held in said city, within twenty days, to fill the same. He shall attend all meetings of the city council, when required by them to do so, and shall attend all sessions of the mayor's court. He shall, within the limits of the city, and half a mile beyond the limits thereof, in all matters of a criminal nature arising under the ordinances of the city, or under the laws of this Commonwealth, possess the same power and perform the same duties as sheriffs and constables. He shall have the same power to execute processes, civil or criminal, within the limits of the city as sheriffs and constables, when issued and directed to him by the mayor, or the mayor's court of the city, the city council, or any justice of the peace. He shall collect all executions and final

1876. processes to him directed, and pay over all moneys collected by him to the parties entitled thereto, in the same manner, and under the same responsibilities and penalties, as sheriffs and constables are by law authorized and required to do. He shall perform such other duties, not inconsistent with this charter, as the city council may prescribe by ordinance; and for any malfeasance or misfeasance in office, or any willful neglect or omission of duty, in addition to being subject to trial by the city council as herein provided, he shall be subject to indictment, and, if found guilty, fined or imprisoned, or both, as may be provided by law. He may, with the approval of the city council, appoint his own deputies, and shall be responsible on his official bond for their acts. Before any deputy marshal shall proceed to act he shall take the same oath required to be taken by the marshal. He shall be *ex officio* wharf master of the city. He shall be entitled, as compensation, to the same fees allowed by law to sheriffs and constables for similar services, and shall have the same remedy for their collection, and for other services he shall receive such fees as may be prescribed by ordinance. He shall also receive such annual salary as the city council may ordain. The city council shall have power to call to its assistance and pay for such legal advice as it may require.

City jailer—how
and when elected
Shall give bond.

§ 30. The city jailer shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term, and shall possess the same qualifications, as the city treasurer. Before entering upon the discharge of the duties of his office he shall execute bond, in the sum of two thousand dollars, with security to be approved by the city council. He shall have charge and control of the jail, be responsible for the safe-keeping of such persons as may be committed to his charge, and for the proper management and sanitary condition of said jail. He shall register in a book provided for that purpose the name, age, and sex of each person committed, the date, crime, by whom, and for what length of time, the date of, and manner of their discharge. He shall cause all persons confined in said jail to abide by all rules and regulations as may be prescribed by ordinance of the city council. He shall be, and is hereby, vested with police powers, and may arrest any person loitering around said jail, or in any manner aiding or abetting in violation of

the rules or regulations; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance, and shall receive such compensation for his services as the city council may ordain. 1876.

§ 31. The city council shall elect a suitable person, subject to removal at any time, to be styled the Street Commissioner, who, under the direct supervision, control, and direction of the street committee, shall superintend the cleaning and repairing of the streets, alleys, &c., in said city, and perform such other duties as may be prescribed by ordinance; and he shall receive such compensation for his services as the city council may ordain.

§ 32. The city council shall have power to elect a city engineer, who shall perform such duties, and receive such compensation, as may be prescribed by ordinance.

§ 33. All laws and parts of laws having special application to the city of Dayton, in so far as the same are in conflict with this charter, are hereby repealed. Nothing in this charter shall be construed as repealing, or in any manner affecting, laws or parts of laws applicable to the board of education of said city.

§ 34. This act shall be in force from and after its passage.

Approved March 7, 1876.

CHAPTER 486.

AN ACT to authorize the county court of Pulaski county to sell ground and purchase a new site for a jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Pulaski county be, and is hereby, authorized to make sale of the property in the town of Somerset upon which the jail and jailer's residence now stand; and they may make such sale, either privately or publicly, and upon such terms and credit, as may seem most advantageous to the interests of said county.

§ 2. That said county court be, and is hereby, authorized to purchase grounds to be used as a site for the new jail building of said county.

§ 3. This act shall not take effect until a majority of the legal votes of Pulaski county, at a general or special election,

1876. shall cast their votes in favor of it. The county judge of said county shall have power to order a special election at any time after this act to test the question as to the adoption of this measure, by giving twenty days' notice of said special election, by publication in the Somerset Reporter, or by posting notice in writing in one or more public places in each voting precinct; and the officers appointed to conduct the general elections shall conduct the special election if one shall be ordered, and shall report the result to the office of the clerk of the Pulaski county court; and if a majority of those voting shall vote in favor of this measure, the county judge shall immediately enter on the order-book of his court an order to the effect that this measure has been oppressive, and make proclamation to that effect; and this act shall take effect and be in force from and after the date of said proclamation.

Approved March 8, 1876.

CHAPTER 487.

AN ACT to prevent stock from running at large in the counties of Bracken, Pendleton, Grant, and Harrison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be unlawful for any person owning or having care of any horse, jack, jennet, mule, cattle, sheep, or hog to permit the same to run at large in Bracken, Pendleton, Grant, and Harrison counties; and any person or persons so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. Whenever any stock named in section one of this act shall be found running at large in said counties, it shall be the duty of the sheriff or his deputies, or the constable of the district where such stock may be found, to seize the same, and impound said stock, and provide for their care and keeping until the owner or owners of such stock shall have redeemed them by the payment of all fees and accounts of every kind incident to said procedure.

§ 3. That whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs

1876.

incident to the prosecution of such trespass, recoverable before any officer having competent jurisdiction; and the party injured shall have a lien upon such stock for all damages, costs and fees.

§ 4. That for taking up stock running at large, or found trespassing upon the lands of any one, the officer, or any person acting for him and under his direction, shall be entitled to the following fees: for each horse, jack, jennet, mule, or colt over six months old, one dollar; for each bull, cow, steer, hoifer, or calf over six months old, fifty cents; for each sheep or hog over three months old, twenty-five cents; and all expenses incurred by him in impounding and taking care of the same.

§ 5. It shall be the duty of the officer making the seizure, or causing the same to be made, to give notice within five days (if the same is known) from date of seizure to the owner or person having charge of such stock; and if the stock found offending against this act is not redeemed within five days after service of notice, said officer shall advertise (ten days before selling) such stock for sale in the precinct where such stock was seized upon; the sale shall be proceeded with in the same manner as sales are conducted on executions for the recovery of debt; the sale shall be made on a credit of three months, the purchaser giving bond with approved securities, payable to the sheriff of the county; and the officer making the sale, for advertising making the sale shall receive the same commission and fees as are allowed by law for sales under executions for debt. When the bond shall be collected, after all the expenses connected with the seizure and sale shall be paid by him, he shall pay the residue, if any, of the proceeds of the sale over to the owner of such stock; and the sheriff shall be responsible on his official bond.

§ 6. This act shall be submitted to the qualified voters of the counties named in the first section of this act at the next August election, and it shall be the duty of the officers of the election to be held on the first Monday in August, 1876, to open a poll and propound to each voter who may vote at said election the question, "are you for or against the stock law?" and register his vote to accordance with his response to said question, if he desires to vote thereon. The vote shall be certified and returned, examined, and compared as they are re-

1876.

quired in other elections. And in all those election precincts where it shall appear, by the certificate of the examining board, that a majority of those voting voted in favor of the stock law, the provisions of this act shall take effect and be in force as hereinafter provided; and in those election precincts where a majority of those voting at said election are found, by the certificate of the examining board, to have voted "against the stock law," then this act shall not apply or be in force in said precincts. It shall be the duty of the examining board to make out a certificate, under oath, of the votes cast at said election, under the provisions of this act, giving the number of votes cast in each precinct for and against the stock law, and deliver the same to the presiding judge of the county court, who shall cause the same to be entered of record by the county court clerk.

§ 7. It shall be the duty of the sheriffs, at least thirty days before the day of the next August election, in each election precinct, in at least three public places in such precinct, that a vote will be taken on the first Monday in August, 1876, for and against the "stock law."

§ 8. This act shall take effect on the first day of October, 1876, in all the election precincts in the counties named in the first section of this act where the certificate of the examining board shows that a majority of the voters voting were in favor thereof.

Approved March 8, 1876.

CHAPTER 488.

AN ACT to amend an act, entitled "An act to incorporate the Winchester, Colbyville, and Lexington Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Winchester, Colbyville, and Lexington Turnpike Road Company," approved February 14th, 1867, be, and is hereby, so amended as to authorize the company organized thereunder to erect a toll-gate and collect toll thereat whenever so much as four miles of said road shall be completed and received by the county court.

§ 2. The rates of toll shall be fixed by the president and directors of said company; but shall not exceed the rates of toll allowed to be collected by the Winchester and Kentucky River Turnpike Road Company. 1876.

§ 3. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 489.

AN ACT to amend the charter of the Orangeburg and Tollsboro Turnpike Road, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act incorporating the Orangeburg and Tollsboro Turnpike Road Company, approved January 20th, 1869, be amended so as to vest said company with power to extend its turnpike from Orangeburg to intersect the Lewisburg and Taylor's Mill Turnpike near John N. Owens', and to give the president and directors, in making said extension, all the powers, rights, and privileges they have in relation to the original road.

§ 2. The president and directors are authorized to receive sufficient additional subscriptions of stock in said company to make said extension; and the capital stock thereof is hereby increased to a sum sufficient for that purpose, to be collectable on calls as prescribed in the original charter.

§ 3. That as soon as one mile of said extension is completed, toll may be collected thereon for the distance traveled, and so on thereafter for each mile or fraction of a mile, as completed, till the whole is finished; the toll to be the same as prescribed in the original charter.

§ 4. That as soon as this extension is completed to the Lewisburg and Taylor's Mill Turnpike, this company may, by agreement with the Lewisburg and Taylor's Mill Turnpike Road Company, consolidate the two roads, and collect toll for the distance traveled on each, or they may consolidate the stock and make it one road under this charter, and let this company take charge of it and collect the tolls, and keep up the same as part of this extension; the company to have

1876. power to erect gates, and collect tolls for the distance traveled, at such places as the president and directors may designate.

§ 5. That the provisions of an act, entitled "An act for the benefit of the Orangeburg and Tollsboro Turnpike Road Company, in Mason county," approved March 25th, 1872, be, and the same is, applied to this extension west or southwest of the Maysville, Orangeburg, and Mt. Carmel Turnpike.

§ 6. This act to take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 490.

AN ACT for the benefit of William Thomas, sheriff of Lee county.

WHEREAS, William Thomas was appointed sheriff of Lee county in June, 1875, and did not receive the commissioner's book until about the last of July, 1875, and therefore did not have a fair opportunity to collect the revenue of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William Thomas, sheriff of Lee county, be allowed until the first day of June, 1876, to pay into the Treasury the revenue of Lee county due for the year 1875: *Provided, however,* That before he shall have the benefit of this act, his securities on his bond for the collection of the revenue of said county for the year 1875 shall appear in the Lee county court and consent upon the record that they are willing that he shall have the time herein granted, and the clerk of said court shall forward to the Auditor an official copy of said order.

§ 2. This act shall be in force from its passage.

Approved March 8, 1876.

CHAPTER 491.

1876.

AN ACT to amend article two, chapter thirty-three, General Statutes, for the benefit of Metcalfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section three, article two, chapter thirty-three, be so amended as to authorize the county court and justices of the peace, a majority concurring, to decrease the number of justices' districts or voting precincts in the county of Metcalfe, by consolidating two or more districts or precincts, or parts of the same, upon the same terms as the said county court is now allowed by law to establish or alter said districts and precincts.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 492.

AN ACT to incorporate the Richmond Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. M. Irvine, S. P. Walters, L. E. Francis, W. J. Walker, T. J. Smith, S. T. Green, Milton Barlow, J. W. Crooke, and C. D. Chenault be, and they are hereby, created a body-politic and corporate, under the name of the Richmond Hotel Company; and by this name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded; to have and use a common seal, to alter, renew, or change the same at pleasure; to have, possess, lease, purchase, and retain such lands, tenements, goods, and effects as may be necessary for the erection, conducting, and furnishing a hotel in the town of Richmond, Kentucky; to rent and demise said hotel, furniture, etc., and all such store-houses as they may erect in the construction of said hotel; and such company shall have power to ordain and put in power all such by-laws, rules and regulations, as are necessary for the government and carrying out the objects of this corporation: *Provided*, They be not contrary to the Constitution of this State, or the Constitution of the United States.

Corporators.

Corporate powers.

May enact by-laws, &c.

1876,

Capital stock.

§ 2. That the capital stock of said company shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each; and the persons heretofore named shall provide and cause to be opened, a book or books, in such places as to them may seem best, for the subscription of stock, in which shall be written the obligation of each person subscribing for said stock; and when the president and directors shall be chosen as hereinafter provided, they shall have full control of said books, and may cause same to be opened from time to time until the entire amount of stock herein mentioned is subscribed.

Officers—how elected.

§ 3. That as soon as fifty shares of said stock shall have been taken by bona fide subscribers, the above named corporators shall call a meeting of the stockholders, and hold an election for president and five directors, who shall hold their offices for one year, and until their successors are chosen and enter upon the duties of their offices. At said election, at least three of the above named corporators shall be present and take votes of the stockholders, either *viva voce* or by ballot; and each stockholder shall have one vote for each share held by him or her. Should a vacancy occur, the remaining directors shall fill the same by appointment; and should a vacancy of all the directors occur, then any three stockholders may call a meeting of the remaining stockholders to fill the vacancies; and said election shall be governed by the same rules and in the same manner as the annual elections.

Vacancy—how filled.

Secretary and treasurer.

§ 4. That upon the election of the president and directors as aforesaid, they shall appoint a treasurer, secretary, and such other officers as they may deem necessary, who shall hold their offices during the pleasure of said president and directors. The treasurer, before he enters upon his duties, shall give bond, with two or more sufficient sureties, conditioned that he will faithfully perform his duties as treasurer of said company, and pay over to the person entitled thereto any money that may come to his hands as treasurer.

Treasurer to give bond.

§ 5. That the president and directors may call upon the stockholders for their subscriptions at any time after the organization of the company.

Stock personal property.

§ 6. That the stock shall be personal estate, for which the president and directors shall issue certificates to owners, which shall be transferable in such manner as the corporation may prescribe in its by-laws.

§ 7. That the president and directors shall have the right to declare when a stockholder has forfeited his stock and the payments made; but no such forfeiture shall be made by them without the service of a notice on the delinquent stockholder, at least twenty days before the record shall be made on the books of the corporation; such forfeiture shall not release said stockholder from the sum yet remaining unpaid.

1876.
How stock may
be forfeited.

§ 8. The annual election of officers shall be had on some day selected by the above named corporators.

§ 9. Any three members of the directory, together with the president, shall constitute a quorum for the transaction of business, unless the corporation shall fix on and require a different number.

Quorum.

§ 10. The stockholders and officers of the company shall not be liable individually for the debts of the corporation.

§ 11. That this act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 493.

AN ACT to incorporate the Avery Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles Hermany, Thomas P. Shanks, Thomas Meikle, George C. Avery, Henry Burkhardt, Thatcher Perkins, and John M. Carson, with such others as may hereafter become stockholders, shall be, and are hereby, created a body-politic and corporate, with perpetual succession, which shall be known as "Avery Institute;" and by that name is hereby made competent to contract, be contracted with, to sue and be sued, implead and be impleaded, defend and be defended, in all courts, both legal and equitable, and elsewhere, in the same manner, and to the same extent, as a natural person may be.

Corporators.

Corporate powers.

§ 2. The object intended to be accomplished by the creation of said corporation is the scientific development and advancement of the mechanical and productive arts; and to attain that object, said corporation is hereby empowered to establish in the city of Louisville, Kentucky, under such rules and regulations as they may choose to adopt, provided the same shall not be in contravention of the Constitution and laws of

Object of institute.

1876.

the United States or of the State of Kentucky, an institution or school of science and technology, and to provide for its maintenance.

May acquire
and hold real and
personal estate.

§ 3. Said corporation shall have power to acquire, by purchase, gift, bequest, devise, or in any other way in which a natural person might lawfully acquire it, so much and such kinds of real estate and personal property as said corporation may deem it advisable to acquire for the attainment of the object sought to be accomplished, and may sell and dispose of any part so acquired: *Provided*, Stockholders representing not less than two thirds of the stock issued shall, at a stockholders' meeting called for the purpose of considering the question, determine by vote that a sale or disposition of such property ought to be made: *And provided further*, That no sale or other disposition shall be made of any property given, bequeathed, or devised to the corporation, if such sale or disposition would be in contravention of the written instrument by which the gift, bequest, or devise was made.

Limit of real
estate.

§ 4. Said corporation shall not at any time hold real estate exceeding in value the sum of five hundred thousand dollars, unless the surplus over said sum be given or devised for the purpose of raising a fund by way of endowment of said institute; but any real estate so given or devised, whatever its amount, may be held by said institute for such purpose.

May issue bonds.

§ 5. If its stockholders representing not less than two thirds of the capital stock issued shall, at a stockholders' meeting called for the purpose of acting on that question, consent thereto by vote, said corporation may issue its bonds, secured by mortgage of such of its real estate as may be sold or disposed of, and by mortgage of its other property, for such amount as may be deemed advisable, which bonds may bear interest at any rate not exceeding ten per centum per annum, payable semi-annually, and the principal may be made payable at any time not exceeding thirty years after the date of said bonds; said bonds may be sold at par, or at such discount as the board of directors may deem best to sell them at, unless at the meeting of stockholders authorizing their issue the price at which they shall be sold shall be definitely fixed.

How sold.

Capital stock.

§ 6. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of ten dollars each, but may be increased at any time that those holding

two thirds of the stock issued shall so determine at any regular or called meeting of stockholders: *Provided, however,* That said capital stock shall not be at any time greater than five hundred thousand dollars; said corporation may be organized whenever two hundred shares of the stock shall have been subscribed for, and one dollar on each shall have been paid to the corporators by stockholders representing said two hundred shares. Ten (10) days' written or printed notice shall be given by a majority of the corporators to all the subscribers for stock, of the time and place when and where the meeting for the purpose of organizing will be held. No subscriber for stock shall vote at said meeting until he shall have paid one dollar per share on the stock he has subscribed for.

1876.

§ 7. The subscribers entitled to vote at said meeting shall then determine how many directors shall be elected to manage the affairs of said corporation for one year, or such time as they may choose to elect them for, and shall elect the directors from among the stockholders; but no one shall be elected or serve as a director unless he shall have subscribed for at least ten shares of stock, and shall have paid at least one dollar on each share so subscribed for.

Directors.

§ 8. The directors so elected shall hold their offices for the time they are so elected, and until their successors shall have been elected and qualified.

Term of office.

§ 9. The directors so elected shall choose from among themselves a president, and may elect from their own number, or from the stockholders who are not directors, a secretary and treasurer, and such other officers and agents as they deem necessary to attend to the business of the corporation; and may fix the salaries or compensation to be allowed such secretary, treasurer, and other officers and agents; and may also determine what security shall be required from each of said officers and agents for the proper performance of the duties required of them.

§ 10. It shall be the duty of such directors to prepare and adopt, as soon as may be conveniently done, a code of by-laws for the government of said institute; and said by-laws shall, as far as may be, define the duties and powers of the various officers of the corporation; and provide for a common seal. Said by-laws shall provide for amendments and alterations thereof.

Shall adopt
code of by-laws.

1876.

Directors to
control property,
books, &c.

§ 11. Said directors and their successors shall have the care, custody, and control of all the property and effects, books and papers, of said corporation, and the management of all its business, subject to the limitations of this act of incorporation, and to the provisions of the by-laws which may, from time to time, be adopted.

No dividends
to be declared or
paid.

§ 12. The said corporation is forever prohibited from declaring or paying to any of its stockholders any dividends on stock held by them, or any compensation in lieu of dividends: it being intended that all revenues and profits arising from the business and property of the corporation shall be used for the furtherance of the object designed to be attained by its creation as set out in section second of this act.

§ 13. The Legislature reserves the right to amend or repeal this act of incorporation.

§ 14. This act shall take effect and be in full force from the time of its passage.

Approved March 8, 1876.

CHAPTER 494.

AN ACT in relation to the county levy of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the levy court of Union county is hereby authorized to provide, by an additional levy, for the payment of the amounts laid by said court for road and bridge purposes for the year 1876, upon the tithes and tax-payers of the several justices' districts of said county respectively.

§ 2. That whenever the said court shall provide for said payment as authorized by section one, it shall be the duty of said court to rescind the levy aforesaid upon the several justices' districts.

§ 3. For the purposes herein indicated the county judge may call a special term of the levy court.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 495.

1876.

AN ACT to incorporate the Edna Lead and Silver Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. N. Barbour, W. B. Hoke, C. H. Wolford, Wm. H. Cropper, C. Ketchune, Daniel Lane, John C. Walker, A. E. Wolford, Casandre Cropper, their associates, successors, and assigns, are hereby created and constituted a body-corporate and politic, by the name and style of the "Edna Lead and Silver Mining and Manufacturing Company," and as such made capable in law as natural persons to contract and be contracted with, to plead and be impleaded, in all courts of law and equity in this State or elsewhere, and such other acts as a corporate body may lawfully do; to have a common seal; to make by-laws, regulate and alter the same for the government and transaction of its business not inconsistent with the Constitution and laws of this State and United States.

Corporators.

Name and style.

Corporate powers.

Common seal.

§ 2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and the company may commence its business operations, procuring supplies, machinery, furnaces, tools, &c., improving and working their mines at once; and so soon as twenty-five thousand dollars shall have been subscribed for stock, ten thousand dollars of which being paid in, upon thirty days' notice thereafter being given through one of the newspapers published in the city of Louisville, Kentucky, the corporators may proceed to the organization of their company.

Capital stock.

When to commence business.

§ 3. They may declare forfeited any stock on which regular calls are not paid, and may sell so much of the same as will pay said calls, and no more. Said company may hold, by purchase or otherwise, real estate not exceeding two hundred and fifty thousand dollars independent of, and over and above, whatever amount they may have invested in mineral and mining lands from time to time; also said company may build boats or other things necessary for the prosecution of its business, with power to explore, mine, and dig for oil, coal, salt water, iron, lead, silver, and gold, and manufacture the same, or the product of any oil, mineral, or agricultural pro-

Stock may become forfeited.

May acquire and hold real estate.

1876. duct, with power to build roads, houses, and any or all other things necessary and needful for its business, and to buy and sell the same, or any portion thereof, at pleasure.

Directors—when
elected.

Officers—their
duties.

§ 4. The stockholders shall elect or appoint annually a board of directors of not less than seven nor more than nine (9) from whom shall be chosen three of their number to transact the general business of the company or corporation, to-wit: a president, vice president, and secretary, the latter of whom to act as sub or *ex officio* treasurer, and chief or principal financial agent of the company, keeping its books, accounts, and papers, which are at all times to be subject to the inspection of the board of directors; but the failure to elect or appoint such officers at an annual or regular election shall not forfeit the privileges herein granted.

May borrow or
loan money.

§ 5. The company may borrow or loan money by issuing its bonds or otherwise for not exceeding two hundred thousand dollars, and by paying or charging therefor any rate of interest not exceeding ten per cent. per annum. The stock shall be personal property, and transferable in such manner as the directors may determine. The company may open offices anywhere, in this State or elsewhere, they may deem necessary; and until formally organized, as provided in section four of this charter, the office of president, vice president, and secretary may be represented by three of the incorporators, to-wit: W. H. Cropper, president *pro tem.*, Daniel Lane, vice president *pro tem.*, and C. H. Wolford, secretary *pro tem.*, in order to carry out more fully, speedily, and successfully the objects and intentions of the body of incorporators.

§ 6. This charter shall be in force and continue for thirty years. The company shall keep an agent and office in this State.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 496.

1876.

AN ACT for the benefit of S. S. Feris, former sheriff of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is given to S. S. Feris, former sheriff of Barren county, in which to collect taxes remaining unpaid in said county, and for which he has accounted to the State, and for all uncollected fee-bills due to him as such sheriff in said county.

§ 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 497.

AN ACT for the benefit of George E. Johnston, sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. E. Johnston, sheriff of Taylor county, upon filing with the county clerk of Taylor county the written consent of the sureties in his bond for the collection of the revenue of said county, be allowed until the first day of June next to collect and pay into the Treasury the balance of the revenue of said county for the year 1875.

§ 2. The solvency of said securities being approved of by said county court.

§ 3. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 498.

AN ACT to repeal an act, entitled "An act to print sheriffs and master commissioners' advertisements of land sales in Owen county in the paper printed in said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to print sheriffs and master commissioners' advertisements of land sales in Owen county in the paper printed in said county," approved March the 11th, 1870, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 499.

AN ACT to repeal an act, entitled "An act to print sheriffs and master commissioners' advertisements of land sales in Carroll county in paper printed in said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 22d, 1871, entitled "An act to print sheriffs and master commissioners' advertisements of land sales in Carroll county in paper printed in said county," be, and the same is hereby, repealed, so far as not to allow the publisher of the paper to charge a greater sum than one dollar per square for the first insertion, and twenty-five cents per square for each additional insertion; but the entire charges in any one sale shall not exceed three dollars.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 500.

AN ACT to incorporate the Flemingsburg Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style. § 1. That there is created and established a body-politic and corporate, under the name and style of the Flemingsburg Branch Railway Company; and by that name shall have perpetual succession, and make contracts and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; said company may also have and use a common seal, may alter and change the same at will; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

Commissioners. § 2. That L. W. Andrews, W. S. Fant, E. E. Pearce, David Willson, and W. H. Hendrick, of the county of Fleming, and State of Kentucky, and J. J. Wood, R. Albert, A. T. Cox, and Richard Dawson, of the city of Maysville, Mason county, Kentucky, or such of them as choose to act, are hereby constituted and appointed to open books and receive subscription to the capital stock of said company, at such times and

1876.

places, and upon such terms and conditions, as they may deem proper; and whereas, divers citizens of the county of Fleming have heretofore subscribed certain specified amounts, to be controlled and expended by W. S. Fant, David Willson, and E. E. Pearce as a committee in the construction of said branch railway from Johnson's Station, on the Maysville and Lexington Railway, Northern Division, to the town of Flemingsburg: be it enacted, that said subscriptions heretofore made, to be expended in building said branch railway, is hereby declared lawful and binding, and shall entitle each subscriber to his shares of stock in said branch railway, and to all the rights and privileges, the same as those who may subscribe to the capital of said branch railway from and after the passage of this act.

Former subscription legal and binding.

§ 3. The capital stock of said company may be any amount, not to exceed the sum of one hundred and fifty thousand dollars, necessary for the construction and equipment of said railway, and the same shall be divided into shares of fifty dollars each, and may be subscribed for, purchased, owned, and controlled by individuals in and out of the State.

Capital stock.

Shares—\$50 each

§ 4. Whenever subscriptions to the amount of twenty thousand dollars shall have been made to the capital stock, the commissioners shall give at least ten days' notice thereof in one or more newspapers published in the town of Flemingsburg and the city of Maysville, and assemble the subscribers at some suitable place; and such of them as shall have paid five dollars in cash upon each share of stock so subscribed by them, respectively, shall proceed to elect from their own number not to exceed seven directors, who shall hold their office until their successors are duly and legally elected. Absent stockholders may vote by proxy in writing, each share counting one vote.

When to commence business.

§ 5. That no person shall be elected to the office of president or vice president of said company by said board of directors who does not own at least five shares of the capital stock in said company.

Officers must be stockholders.

§ 6. The directors of said company may appoint an executive committee, to consist of the president and three or more directors; and said committee, when the board is not in session, may exercise all the powers and rights vested in the board of directors, except where it has otherwise been pro-

Executive committee.

1876.

vided in such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as may be enacted and put in force by the president and a majority of the board of directors of the said company.

§ 7. That the president and directors of said company are hereby invested with all the powers, rights, franchises, and authority necessary, requisite, and desirable to conduct a railway and line of telegraph from Johnson's Station, on the Maysville and Lexington Railway, Northern Division, to the town of Flemingsburg, on such line as they may deem most practicable and advantageous.

May acquire
right of way.

§ 8. That whenever it shall be necessary for said company to have, use, or occupy any land for a right of way, material or other property, in order to the construction of said railway, or the repairing the same, or lands for depots, switches, or any other necessary work or buildings, the president and directors, or their engineer or other agent, or those contracting with them the constructing or repairing the same, shall proceed to condemn said property according to, and in pursuance of, the General Statutes and laws in such cases made and provided, whenever said company cannot contract for the material and land necessary with the owner thereof.

§ 9. That the president and directors of said company may, with the assent of the holders of a majority in the value of the stock in said company, sell said railway or lease the same; that said company may connect its road with the road of any company in or out of this State, or may lease or operate any railroad connecting with their road, and it may consolidate with and make running and operating arrangements with any other railroad company, upon such terms as may be agreed upon by the contracting parties; and it shall be lawful for the franchises and subscriptions of stock granted and subscribed to any other railway company, and the like powers and privileges are hereby granted to any railroad company with which it may contract.

May acquire and
hold land.

§ 10. That said railway company may receive donations of land, to be used for any purpose of said road, or to be sold to raise money to build the same; and may receive subscriptions to be paid in land, at a valuation to be agreed upon between the owners thereof and the company's authorized agent; said company may lease or sell said land, and convey the same as a natural person.

§ 11. That to the extent of all claims for persons' wages and injury sustained to persons and property, the claimants shall have a lien upon the rolling stock of said railroad and its earnings, any mortgage to the contrary notwithstanding. 1876.
Damages secured
by lien.

§ 12. This act to take effect after its passage.

Approved March 8, 1876.

CHAPTER 501.

AN ACT for the benefit of the clerks of Union and Crittenden circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerks of the Union and Crittenden circuit courts be, and they are hereby, authorized to make a complete and thorough cross-index to all the suits and causes on file in the office of the clerk of the Union and Crittenden circuit courts, both law and equity; and they shall hereafter enter upon said cross-index all new suits and petitions which may be filed in said offices.

§ 2. When said index shall have been completed, the same shall be examined by the judge of the circuit court; and if the same is approved by him, he shall so certify to the county court of their respective counties; and said county court shall, at its next court of claims, allow said clerk as compensation one cent for each entry or suit so indexed, to be paid out of the county levy of said county.

§ 3. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 502.

AN ACT for the benefit of common school district No. 21, of Bourbon county.

WHEREAS, Sixty-five children were erroneously omitted from the census report of pupil children for the school year ending June 30th, 1876, in district No. 21, Bourbon county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred and twenty-seven dollars and forty cents be appropriated to said district, for the

1876. benefit of the teacher thereof, to be paid from the interest accruing from the Bourbon county surplus bond; and when the commissioner shall draw his draft for the same, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant in favor of Will. H. Lockhart, commissioner of Bourbon county, to be paid by him to the teacher of district No. 21, for said year.

§ 2. This act shall take effect from and after January 10th, 1877.

Approved March 8, 1876.

CHAPTER 503.

AN ACT to authorize the president and faculty of Cottage Home College to confer learned degrees.

WHEREAS, C. P. Shields has built Cottage Home College, near Cave Spring Station, Logan county, Kentucky, and has devoted to school purposes about twenty-five thousand dollars; and whereas, said C. P. Shields, himself a graduate of two colleges, has educated a large number of young gentlemen and young ladies, who are now occupying honorable positions in society; and whereas, said C. P. Shields and others desire that the president, with the concurrence of the other members of the faculty of said Cottage Home College, shall have the power granted by legislative sanction to confer the degrees, honors, and titles usually conferred by the literary institutions of this Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president of said Cottage Home College, with the concurrence of the other members of the faculty, shall have the power to grant the diplomas, degrees, titles, and honors which are usually conferred by other literary institutions of this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 504.

1876.

AN ACT for the benefit of John H. McHargue.

WHEREAS, At the March term, 1875, of the Pulaski circuit court, John H. McHargue was appointed assessor to A. T. Keene, assessor, by the judge of said court; and whereas, said McHargue was required to wait on said court during said term, for which said services the Auditor refused to pay said McHargue; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the Treasury in favor of said J. H. McHargue, for the sum of thirty-six dollars, that being the amount allowed him by the Pulaski circuit court for said service as assessor.

§ 2: This act to take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 505.

AN ACT for the benefit of George W. Pickett, late sheriff of Adair county.

WHEREAS, The Commonwealth of Kentucky recovered a judgment in the Franklin circuit court against George W. Pickett, sheriff of Adair county, for thirty-nine hundred dollars, balance of State revenue in his hands, and interest was calculated against him on said sum from the June next preceding the judgment to the date of the judgment, which interest amounted to one hundred and fifty-five dollars and eleven cents; and whereas, he has paid all of the judgment into the Treasury; and whereas, it is a hardship to require interest before the revenue could have been collected; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasury for one hundred and fifty-five dollars and eleven cents, in favor of George W. Pickett, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. *Be it further enacted,* That this act shall take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 506.

AN ACT for the benefit of Charles Wickliffe, late sheriff of Muhlenburg county.

WHEREAS, Charles B. Wickliffe, late sheriff of Muhlenburg county, after he had accounted for and paid into the Treasury of the State of Kentucky all the taxes for revenue purposes with which he stood charged for the year 1873, made sale of, and became the purchaser of, the following real estate for the State of Kentucky, in payment and satisfaction of said taxes, viz: 20 acres on waters of Green river, for taxes of Mrs. Nancy Mefford, \$1 56; 115 acres on Pond creek, for taxes of John A. Mansfield, \$3 38; 15 acres on waters of Green river, for taxes of John Mefford, \$1 91; 150 acres on the waters of Pond creek, for taxes of James Allen, \$3 60; 90 acres on waters of Pond creek, for taxes of George Lewis, \$1 49; 600 acres on Clifty creek, for taxes of Grabble's heirs, \$14 67; 1 acre on Caney creek, for taxes of Margaret Walker, \$1 38; 70 acres on Caney creek, for taxes of Lucy Bogges, \$3 27; 2 acres on Bear branch, for taxes of Joseph Mitchell, \$1 32; 2 acres on Bear branch, for taxes of Salsberry's heirs, \$1 02; 200 acres on waters of Mud river, for taxes of Thomas Nantz, \$10 31; 250 acres on waters of Pond river, for taxes of Lafayette F. Bard, \$9 25; amounting in the whole to the sum of fifty-two dollars and four cents; and whereas, upon a presentation of said purchases, the Auditor of Public Accounts refused to pay the same to said Wickliffe; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury for the said sum of fifty-two dollars and four cents, to be paid out of any money in the Treasury not otherwise appropriated, in favor of said Charles B. Wickliffe, in payment and satisfaction of the said lands so sold for taxes as aforesaid.

§ 2. That the title to the real estate mentioned and described in the preamble of this act shall vest in the Commonwealth of Kentucky in the same manner, and to the same extent, as if the sales thereof had been regularly made by said sheriff before the settlement of his accounts for revenue with the Auditor of Public Accounts.

§ 3. That this act shall take effect and be in force from and after its passage. 1876.

Approved March 8, 1876.

CHAPTER 507.

AN ACT to increase the county levy of Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Boyle county be, and said court is hereby, authorized to levy, annually for three years, an additional tax on all the taxable property of Boyle county, not exceeding in any one year ten cents on the one hundred dollars' worth of said property, to be so applied as to enable said county to pay off its existing indebtedness, and to hereafter meet and discharge the just demands against it.

§ 2. This act to be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 508.

AN ACT for the relief of the sheriff of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of claims of Ballard county may allow the sheriff of said county a reasonable allowance for his services in attendance on the courts of said county.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 509.

AN ACT for the benefit of the sheriff of Allen county.

WHEREAS, There has been no sheriff in Allen county since August, 1875; and whereas, there has been an act passed by the present General Assembly that will secure a sheriff to said county; and whereas, the revenue of said county for 1875 has not been collected.

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff that has or may qualify under said act shall have the further time until the 15th day of next August to collect and pay into the Treasury the revenue of Allen county for the year 1875.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 510.]

AN ACT to amend an act, entitled "An act to provide an additional voting precinct in Cumberland county," approved March 16th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a voting precinct in Cumberland county, known as Archibald Cary's (No. 7), be, and the same is hereby, made and created a magisterial district, in which there shall be elected two justices of the peace and a constable for said district. The election of said officers shall be had in the same manner, and at the same time, as now provided for by law for the election of such officers.

§ 2. That the Governor be, and he is hereby, directed to appoint two justices of the peace and one constable for said district, whose term of office shall expire when their successors are elected and qualified.

§ 3. That the Secretary of State be, and he is hereby, directed to furnish each justice of the peace for said district a copy of the General Statutes.

§ 4. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 511.

AN ACT to authorize the county court of Boone county to sell and convey the old jail lot.

WHEREAS, The jail of Boone county was consumed by fire in the year —; and whereas, the commissioners appointed to build a new jail located said new jail upon another lot more convenient for such building than that upon which the old jail was situated; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1876.

§ 1. That the county court of Boone county is hereby authorized and empowered to sell and convey, by deed, the lot upon which said old jail was situated.

§ 2. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 512.

AN ACT to repeal an act, entitled "An act to amend chapter eighty-four (84) of the Revised Statutes, title 'Roads and Passways,'" approved February 20th, 1869, so far as the same applies to Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend chapter eighty-four (84) of the Revised Statutes, title 'Roads and Passways,'" approved February 20th, 1869, be, and the same is hereby, repealed, so far as the same applies to the county of Floyd.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 513.

AN ACT for the benefit of the Caldwell Female Institute, of Danville, Kentucky.

WHEREAS, By an act approved on the sixth day of March, 1854, the Henderson Female Institute, located at Danville, Kentucky, was incorporated, under the management of the elders of the First and Second Presbyterian Churches of said place, and their successors in office; and by an act approved sixth day of February, 1861, the name of said institute was changed to that of Caldwell Female Institute; and whereas, in view of the best interests of said institute, and further consideration of the assumption by the elders of said Second Presbyterian Church of the indebtedness of said institute, elders of the said First Presbyterian Church have transferred to the elders of said Second Presbyterian Church the full management of said institute, and all their rights and interest in its property; and the elders of both of said churches

1876.

have petitioned the General Assembly for an amendment to the charter of said institute, in accordance with their said agreement, and to give the entire management and control of, and vesting the title to, all of the property of said institute in the elders and deacons of the said Second Presbyterian Church; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the exclusive management and control, and all right, title, and interest in and to the property, real and personal, of said Caldwell Female Institute is hereby vested in the elders and deacons of said Second Presbyterian Church, and their successors in office, and they are hereby invested with all the rights and powers conferred by said act approved the sixth day of March, 1854, upon the elders of both of said churches.

§ 2. The name of said institute is changed to that of Caldwell Female College.

§ 3. Said elders and deacons of said Second Presbyterian Church, or their successors in office, are empowered to sell and convey any or all of the property belonging to said corporation.

§ 4. Nothing in this act shall be construed as exempting the property of said corporation from liability to the debts thereof assumed by said elders of the said Second Presbyterian Church, or which have been, or may hereafter be, contracted by said elders and deacons for said corporation, but the same is and shall continue liable therefor. .

Approved March 8, 1876.

CHAPTER 514.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville," approved March 10th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Assessor—how
appointed.

§ 1. That section three of article five of said act be so amended as to read as follows: That there shall be annually appointed by the board of trustees an assessor; and no one not qualified to vote for trustees shall be eligible to said office.

He shall take an oath of office in substance the same as county assessors. It shall be the duty of the assessors to call upon all taxable persons in the town, and make out a true list of all their taxable personal property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor. Said list shall be so taken as to include every species of personal property, exclusive of household furniture, and all male persons over twenty-one years of age. If any person shall refuse to give a list of his or her property, the assessor shall make out a list from the best information he can procure. Said list shall be completed and returned to said board on or before the first day of June annually. The trustees shall give notice that any person who may feel aggrieved by an excess of valuation of such personal property may appear before them, at a meeting to be held for that purpose, on or before the first of July annually, and upon satisfactory evidence being made to them, such valuation may be changed. 1876.
Shall make list.

§ 2. It shall be the duty of the assessor to make out at the same time a complete list of all persons owing taxable real estate with the town, and the number of lots owned by each person, giving a sufficient description of each lot or division of ground to identify the same, without the value thereof. Said list shall be returned on or before the first day of June annually, to a board hereby created and styled the "Board of Equalization," to be composed of five citizens possessing the qualifications of trustees, to be elected by the board of trustees. Upon the return of said lists, said board shall convene and fix a valuation separately upon each parcel of the real estate as returned, and, upon satisfactory information, enter upon said list the property of any person omitted by the assessor; a majority of whom shall constitute a quorum to transact business, and shall have power to compel the attendance and testimony of the assessor or persons, as may be necessary in the proper discharge of their duties. Said board shall complete the valuation thereof, and return the same to the clerk of the board of trustees on or before the first day of July annually. The assessor and board of equalization shall receive such compensation as shall be fixed by the board of trustees. The board of trustees shall prescribe and furnish blanks, and make all needful rules and regulations, as the assessment and collection of taxes. List to be submitted to board of equalization.

1876.

Ad valorem tax
—how levied and
collected.

§ 3. There may be an ad valorem tax levied and collected each year of not exceeding fifty cents on each hundred dollars' worth of taxable property. For any tax or back tax levied under this act, or the act to which this is amendatory, or any former act, there shall exist a lien in favor of the trustees upon all the property of the tax payer, until the tax is paid, which shall not be defeated by gift, devise, sale, alienation, or any means whatever; and in case the owner of any taxable property shall fail to pay his taxes on or before the first day of October in each year, it shall be the duty of the tax collector to sell, for cash in hand, at the courthouse door in said town, after ten days' notice by printed advertisements, posted in three or more public places in said town, so much of the personal, mixed, or real property of the person so in default as will pay off and discharge the taxes of such defaulter due the trustees, and ten per centum damages thereon for the tax collector, besides expenses of sale, which sale shall vest the purchaser with the title and right to hold the same; and personal and mixed property so sold shall be delivered at once to the purchaser: *Provided, however,* That the owner of the real estate so sold may, within one year from the date of the sale, redeem such real estate by paying to the treasurer of the town, for said purchaser, the purchase money and twenty per cent. thereon; but if he or she fails to redeem the real estate, as hereinbefore set forth, within one year, the chairman of the board of trustees shall convey by deed to the purchaser, or his heirs or assignee, the estate so purchased, under his official title; and said deed shall vest the full fee-simple title in the purchaser, who, to obtain possession, shall be entitled to the same remedies as are prescribed by law in case of a purchase under a sheriff's deed. The board of trustees shall make all needful rules and regulations to carry into effect the foregoing provisions.

Trustees may
have lien for
taxes.

§ 4. The board of trustees shall have a lien upon any lot or fraction of lot upon which there is a tax, for the purposes set forth in section four, article three, of the act to which this act is amendatory, and may enforce said lien in the same way that the lien is enforced for the collection of the ad valorem tax hereinbefore set forth: *Provided,* That said tax for curbing, grading, paving, and building sidewalks, &c., shall be deemed to be due when the work has been completed, at the expense of the trustees.

§ 5. The tax collector, or his personal representative, shall have the same power for five years after the expiration of his term of office, to collect any arrearages of revenue which fell due during his official term, and for which he was held responsible, as he had before the expiration of his term of office; and this provision shall apply to all taxes now due, and to all officers in whose hands the collection of back taxes has been, now are, or hereafter may be placed.

1876.

Tax collector may have power extended.

§ 6. Persons upon whom a fine has been imposed by the police court of said town may be confined in jail or a lock up, or they may be worked on the streets with ball and chain, until the fine, judge's, marshal's, and attorney's costs and fees shall be paid, unless discharged by law, or paid by work at the rate prescribed by ordinance.

Fines—how enforced and collectable.

§ 7. All fines and forfeitures accruing to the town shall be, when collected, paid into the treasury of the town.

§ 8. The marshal be allowed to charge one dollar for serving a warrant.

§ 9. The police judge shall have power to impose a fine to the amount of one hundred dollars.

§ 10. The board of trustees shall be authorized to purchase and hold any additional quantity of ground within the town, or the vicinity thereof, that they may deem necessary for a cemetery, and issue bonds of the town, the proceeds of the sale of said bonds to be applied to the payment of the purchase money of said ground; and to levy a tax on the property owned by white persons in said town, sufficient to pay the interest upon said bonds, until the same shall have been paid off and canceled: *Provided*, That the proceeds of the sale of lots and burying places within said grounds shall be applied to the payment of the bonds aforesaid, and for no other purpose, until all the bonds are paid: *And provided further*, That the lots in said cemetery be sold to and used by white persons only.

Trustees may issue bonds for purchase of a cemetery.

Proviso.

§ 11. This act shall take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 515.

AN ACT to authorize the Owen county court to sell the poor-house in that county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Owen county be, and it is hereby, authorized and empowered to sell and convey the poor-house farm now belonging to Owen county.

§ 2. The county judge of Owen county is hereby authorized, on behalf of the Owen county court, to make said sale and conveyance, subject to the approval of a majority of the justices of Owen county when sitting as a court.

§ 3. This act to take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 516.

AN ACT to create the office of county treasurer for Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County treasurer
—when elected—
term of office.

§ 1. That there is hereby created for the county of Barren the office of county treasurer. Said officer shall be elected at the August election, 1876, and enter upon the discharge of his duties the first Monday in September, 1876; and the person so elected shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

Shall execute
bond.

§ 2. Said treasurer shall execute a bond, with one or more sureties, to be approved by the judge of the Barren county court, conditioned to collect, safely keep, and disburse all moneys coming to his hands which legitimately belong to said county.

His duties.

§ 3. It shall be the duty of said treasurer to collect, receive, and receipt for all moneys due said county from the several officers; also all fines and forfeitures which legitimately belong to said county; also all the money collected by sheriffs and other person to meet the interest on the Glasgow Railroad bonds, on precinct No. 1, in said county, or all taxes that may hereafter be levied by the county court of Barren county to pay the coupons falling due on said bonds of precinct No. 1; also receive all moneys received upon levies made by the

1876.

Barren county court to create a sinking fund with which the railroad bonds of precinct No. 1, in Barren county, are to be retired; and to purchase and retire said precinct bonds as he may be directed to do by the board of directors of the Glasgow Branch Railroad Company. He shall keep a book, to be furnished and paid for by the county as other public books, in which he shall keep a correct account of all moneys received by him for the county and the Glasgow Branch Railroad Company, to pay the interest, &c., on railroad bonds of precinct No. 1, showing when and on what account received, and when and on what account disbursed.

§ 4. It shall not be lawful for any one except said treasurer to receive any money due, or to become due, said county, on taxes levied by the county court of Barren county, to meet the interest on precinct or other railroad bonds of the town of Glasgow, and precinct No. 1: *Provided, however,* That the sheriff or collector may, as heretofore, pay off claims against the county out of the county levy, and receive credit therefor by filing proper vouchers in his settlements.

Unlawful for any one but treasurer to receive certain taxes.

§ 5. It shall be the duty of the county judge of Barren county, in the month October in each year, to appoint a commissioner to settle the county treasurer's accounts, and report the same to the next regular term of the court of claims, and lie over one day for exceptions; and if no exceptions are filed, it shall be confirmed and recorded. Said judge shall receive the same fees as are allowed by law in other cases for making said settlements.

Commissioner to settle treasurer's accounts.

§ 6. The county clerk shall record all settlements herein provided for, and for his services shall receive the same fees as now allowed by law for similar services, to be paid out of the county levy.

Clerk to record settlements.
Compensation.

§ 7. For a breach of any of the conditions of his said bond, any court of competent jurisdiction shall hear and determine all questions for a violation of the conditions of said treasurer's bond, under the same rules and regulations prescribed by law for the proceedings against sheriffs and other collecting officers.

§ 8. The court of claims for said county, a majority of the justices of the county concurring, shall fix the rate of compensation to be allowed said treasurer for his services.

Treasurer's compensation.

1876. § 9. All appropriations made by the county court shall be drawn upon the treasurer.

§ 10. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 517.

AN ACT to amend the charter of Owingsville, Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section four of article two of said act be, and the same is hereby, amended by striking out all of the words of said section "twenty-one years," immediately preceding the words "a freeholder," and inserting in lieu thereof the following words: "And has been a resident of the county one year, and of the ward from which he is elected or appointed sixty days next preceding his election or appointment; nor shall any person so elected or appointed be granted a license to vend spirituous, vinous, or malt liquors during the term of office for which he may have been elected or appointed, although he may have resigned."

§ 2. That subsection nine of section two, article five, be, and is hereby, amended by striking out the words "but no license to retail spirituous, vinous, or malt liquors shall be granted to any person whatever, except upon the unanimous vote of the council, including the mayor."

§ 3. That subsection thirty-three of section two, article five, be, and the same is hereby, amended by striking out the word "exceed," and inserting in lieu thereof "be less than one hundred nor more than."

§ 4. That section six of article six be, and the same is hereby, amended by striking out the word "thirty," and inserting in lieu thereof the word "fifty;" and also by striking out all of the words after the word "whatever."

§ 5. That section two of article six be, and the same is hereby, amended by inserting after the words "owned by the citizens of said town," the words "including money, notes, and choses in action, whether situated in or out of said town."

§ 6. That this act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 518.

1876.

AN ACT to amend an act, entitled "An act to incorporate the Chaplain and Bloomfield Turnpike Road Company," approved March 4, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That should a vacancy at any time, for any cause, occur in the office of president of said company, the remaining directors, or any two of them, may, by publication in any paper published in Nelson county for ten days or more, call an election of stockholders, for the purpose of filling such vacancy; and should there be no paper published in said county, then the notice of said election shall be given, by printed or written notice, to each of the stockholders; but the mailing of said notices directed to the post-office, when known, and when not known, then to the last known post-office of each stockholder, shall be sufficient; and a majority of the stock represented at any such called election shall be necessary to an election.

§ 2. That at any called election for the purpose of filling a vacancy as aforesaid, the person receiving a majority of the votes of the stock present and voting shall be declared duly elected president, and shall hold his office, with all the rights and powers, as if elected at a regular annual election, and shall so continue to act until his successor shall have been elected and qualified.

§ 3. This act to take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 519.

AN ACT to amend an act to incorporate the Elizaville Station and Mayslick Turnpike Road, approved February 23, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Elizaville Station and Mayslick Turnpike Road Company may erect two toll-gates on said road, in place of one, at each of which they may collect half toll, and no more.

§ 2. This act to take effect from and after its passage.

Approved March 8, 1876.

1876.

CHAPTER 521.

AN ACT to amend an act, entitled "An act to incorporate the town of Weston, in Crittenden county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That [section first] of an act, entitled "An act to incorporate the town of Weston, in Crittenden county," be so amended that the boundary of said town shall be as follows, viz: Beginning at the mouth of Camp creek; thence up the Ohio river to the top of a bluff known as the John Brown farm; thence with and along said bluff to the first bridge across Camp creek; thence down said creek to the beginning.

§ 2. That it shall be lawful to hold an election on the first Monday in August, 1876, for the election of police judge and town marshal, which offices are hereby created for said town, at which election all qualified voters residing within the limits of said corporation may vote. The police judge, when elected, shall hold his office for four years, and before entering upon the duties of his office, shall take such oaths as are required by law of justices of the peace, before the judge of the county court of Crittenden county, and be commissioned by the Governor of this Commonwealth. The police judge shall have concurrent jurisdiction with justices of the peace, and exclusive jurisdiction of all violations of the ordinances and by-laws of said town. He shall also have authority to hold examining trials, and hold parties over for trial by superior courts.

§ 3. The town marshal, when elected, shall hold his office for a term of two years. Before entering upon the duties of his office, he shall, before the county judge of Crittenden county, take such oaths as are required by law of constables, and give bond, with good and sufficient security, the same as are required of constables, with the additional guarantee that he will faithfully discharge the duties of town marshal according to law; he shall have concurrent jurisdiction with constables of Crittenden county, and exclusive jurisdiction of all processes for fines and penalties for violation of ordinances and by-laws of said town, and shall pay over all moneys collected for town tax, fines, and penalties, to the town treasurer.

§ 4. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 522.

1876

AN ACT for the benefit of the town of Westport, in Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the Oldham county court to erect a road district in said county so as to include the town of Westport, and to appoint a surveyor of the roads leading into and through said town.

§ 2. That all the inhabitants of said town of legal age shall be required to work on said roads and streets, under the same rules and regulations as now provided by law for working county roads, and shall be subject to the same fines for a failure to work; and that the surveyor thus appointed shall be vested with the same power, and in all things subject to the law now in force in relation to surveyors of county roads.

§ 3. That this act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 523.

AN ACT to authorize the Congregation Adas Israel, of the city of Louisville, to issue mortgage bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Congregation Adas Israel, of the city of Louisville, be, and the same is hereby, authorized to issue bonds of the denomination of five hundred dollars each, to the amount of thirty-five thousand dollars, with interest coupons attached to the same, which bonds shall bear interest at a rate not exceeding ten per centum per annum, and which interest shall be payable semi-annually; and the principal shall be payable in ten years from the date of the bonds issued under this act.

§ 2. Each of the said bonds shall be signed by the president and secretary of the said congregation, and shall be sealed with its corporate seal, and shall be made payable to bearer, and transferable as the said congregation may direct by its by-laws.

1876.

§ 3. For the purpose of securing the principal and interest of said bonds, the congregation is hereby authorized to execute a deed of trust to a trustee, by it named for that purpose, and to convey to such trustee, by way of mortgage, for the purpose herein named, the real estate, with the improvements and appurtenances now held by the said congregation; it being the intent and purpose of this act to enable the said congregation to obtain funds to pay off the bonds authorized by act of the General Assembly approved 22d of January, 1868.

§ 4. This act shall not affect any mortgage or mechanics' lien upon the said property, or in any way disturb priorities according to law.

§ 5. This act to take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 524.

AN ACT to incorporate the Cemetery Company of Browinski Lodge, No. 64, I. O. O. F., in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Hogan, R. F. Harrison, J. T. Lewis, W. L. Smith, and R. T. Darling, and their associates, members of Browinski Lodge, No. 64, I. O. O. F., of Carrollton, Carroll county, Kentucky, they are hereby created a body-politic and corporate, under the name and style of the "Cemetery Company of Browinski Lodge, No. 64, I. O. O. F.;" and by that name said corporation shall have perpetual succession; and shall be able and capable in law to have and use a common seal; to contract and be contracted with; to sue and be sued, plead and be impleaded, defend and be defended, in all courts of this Commonwealth and elsewhere. They shall have power to purchase any quantity of land in the county of Carroll not exceeding fifty acres, and receive a conveyance therefor, with such covenant of warranty as they may deem proper.

§ 2. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery and ornamental grounds, and shall never be alienated,

1876.
sold, or used for any other purpose whatever; but any portion of the ground not laid off may be used in a manner not inconsistent with the reverence and respect due to a cemetery; and the said lodge, by a majority of its members present, at any regular meeting, may, by a motion (the same having been submitted in writing and laid over one week), set aside a portion of the grounds for a superintendent's house or houses, and ground sufficient for rearing plants, flowers, and shrubbery to ornament said grounds; and after the grounds shall be fully paid for, no part thereof shall ever be subject to sale by virtue of mortgage or judgment, execution or decree, for any cause whatever. No road, street, or other passway shall ever be opened through said grounds, after they are once laid out, without the consent of said lodge.

§ 3. Said lodge may receive and take, by devise or bequest, any property or other things granted, devised, or bequeathed, for the improvement, ornamenting, and beautifying of said cemetery and grounds, in accordance with the bequest so given: *Provided*, It does not interfere with the charter or any by-law connected with it; and any grounds that may hereafter be purchased or received shall be laid out to harmonize with the present plan.

§ 4. The affairs of this corporation shall be managed by a board of trustees, consisting of five members of Browinski Lodge, No. 64, I. O. O. F., to be elected by ballot; a majority of all the votes cast shall elect. The first election shall be held at the last regular meeting of Browinski Lodge in the month of December of each year; but if, in any event, the election should not be held at said meeting, then it is to be held at the first regular meeting of the lodge. Said trustees shall hold office for one year, or until their successors are elected and qualified. The five members herein named shall act as trustees until the first election is held, and their successors are elected and qualified.

§ 5. Each trustee, before entering upon the duties of his office, shall make oath in Browinski Lodge, in the presence of the members assembled, that he will faithfully discharge the duties of his office, and will not be influenced in his conduct by sectarian or political partialities. In case of vacancies, by death or otherwise, the lodge shall nominate as many of its members as it may see fit, and, at the same meeting, it

1876. shall proceed to elect a trustee or trustees to fill such vacancy or vacancies.

§ 6. It will be the duty of the trustees elect to call a meeting, as soon as possible, and select from their own body a president, secretary, and treasurer. The president shall preside over their meetings, and sign all writings on the part of the corporation, which may be deemed necessary by the board of trustees.

§ 7. The secretary shall give bond, with approved security, for all moneys that may come into his hands by virtue of his office; he shall sign all drafts for money on the treasurer, the same having been ordered by the board of trustees, and signed by the president, and keep a record of all proceedings of the board of trustees, keeping copies of sales of lots in a record-book kept for that purpose; and it shall be his duty to make out semi-annual reports, June 30th and December 31st, of each and every year, and the same having been approved by the board of trustees, they shall be presented to Browinski Lodge, No. 64, I. O. O. F., and having been read in open lodge, it will be the duty of the noble grand to refer them to the finance committee of said lodge for examination, and, if found correct, shall be received and go to record in a book kept by the lodge for that purpose, in and under the control of the secretary of said lodge.

§ 8. The treasurer shall give bond, with approved security, for all moneys that may come into his hands by virtue of his office, and pay all drafts for money upon him when properly signed by the president and secretary, and the seal of said corporation imprinted on same; it will be his duty to make out semi-annual reports, June 30th and December 31st, of each and every year, to said lodge; and it shall be his duty to make a statement of the financial condition of the corporation to the board of trustees, or to Browinski Lodge, No. 64, I. O. O. F., whenever called upon.

§ 9. Sale of lots. Any purchaser failing to pay the contract price for a lot or lots bargained for, within the space of one year from the date of such contract, shall forfeit all claim to the same, and the lot or lots, with all improvements thereon, shall revert to the corporation, and be held as if never sold. If any interments have been made in any such lot or lots, the trustees shall have the power to remove, or cause the bodies

to be removed, to any public ground kept for burial purposes, or to a place set apart for that purpose in said cemetery: *Provided*, That the said trustees shall give a written notice to the person or persons in whose name such lot or lots are purchased, of at least thirty days before such action; and if such person or persons cannot be found, then said notice is to be posted in said lot or lots for sixty days.

1876.

§ 10. The board of trustees shall be held personally responsible for all purchase money for lots, provided they sell to or allow an irresponsible person to bury their dead in a lot before the payment of said lot is secured.

§ 11. When a burial lot is purchased, and the purchase price paid therefor, the trustees shall give a certificate thereof, under the seal of the corporation, which shall contain a description of the lot, which shall vest the purchaser with title when approved by the aforesaid lodge. The approval of the lodge will be made known by the signatures of its noble grand and secretary at the left of the seal of the corporation, with seal of the lodge on their left. And it shall be the duty of the board of trustees, before making any permanent improvement, to submit the same to the lodge for its approval, they having given a detailed statement of the kind of improvement to be done, and also the cost of same, providing it shall cost fifty or more dollars; and said statement shall be read in open lodge, and after reading, shall lay over one week; and if then approved by a majority of the members present, the statement shall be signed by the noble grand and secretary, and the seal of the lodge attached. The secretary of the lodge shall hand same to the president of the board of trustees; but, before proceeding with said improvement, it shall be the duty of the president to see that there is a written contract setting forth plainly the work to be done, and the cost of same; and the parties so contracting shall give good security for the faithful performance of his or their contract; and in event of partial payments for work so done, the board of trustees shall retain thirty per cent. of the estimate of work done until the work is completed according to contract, and approved by the board of trustees; and in no case shall they contract to have any work done unless there is sufficient money in the treasury to pay for same. Any work needed to be done, and not costing fifty dollars, then

1876. they shall have full power to proceed with any work a majority of the board of trustees may deem necessary to be done on said grounds or buildings.

§ 12. The board of trustees shall have power and authority conferred upon each one of them, and the sexton or other persons having said cemetery or any of its grounds in charge, such as constables have, to make arrests; and such officers and persons, and each of them, is empowered to arrest without warrant, and take before the proper officers or tribunal, to be dealt with according to law, any and all persons found violating the laws, rules and regulations, of this corporation; and if any person or persons, forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones or inclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or in any manner damage any of the grounds of the corporation, such person or persons, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation for the damage; and the damages, when recorded, and the fines, when assessed and collected, after paying expenses, shall be applied by the corporation to restore the damages done, as far as it is possible to do so. The proceeds of the sale of lots, or rent of house or of grounds unlaied off, shall go first to pay any amount due on the purchase of the grounds now purchased, or for any ground the lodge may deem expedient to purchase before all the lots are sold in the original purchase, except the amounts needed to defray the general expenses of keeping the grounds, walks, roads, houses, and fencing in good order; and after the debts of the corporation are paid, the corporation shall set apart one third of the proceeds of the sale of all lots, and any other revenue arising from the use of house or houses and grounds, and invest the same as often as may be convenient, and always seeing such loans are well secured by mortgage on real estate in Carroll county, Kentucky, unless it shall be for small amounts that shall have to be loaned on short time, or until the trustee can get enough money to make a loan secured as hereinbefore mentioned; but said loans to be well secured by personal security, so as to create a perpetual fund for the preservation of the cemetery grounds and buildings; and the principal of said fund so invested shall never be used, only the interest, or the interest upon the interest, and it shall

only be used for keeping the grounds in good order. The interest shall be paid on the first day of January of each and every year by the parties borrowing said moneys, and the same shall be paid to the secretary of said corporation.

1876.

§ 13. The title of lots purchased may be transferred under such rules as the board of trustees may prescribe by their by-laws, but in no other manner; if not transferred by the grantee, shall descend and pass as other real estate, to be used for the purpose herein prescribed. Whenever an attempt is made to use any lot for other than burial purposes, the title thereto shall revert to the corporation.

§ 14. Browinski Lodge, No. 64, I. O. O. F., may make any by-law it may deem necessary and proper for the government of this corporation, not inconsistent with this charter and the laws of the State of Kentucky; and the trustees of this corporation shall abide by and act in accordance with the by-laws made for the corporation by the said lodge.

§ 15. That the lands of said cemetery corporation, and all the lots in the cemetery grounds, and grounds they may hereafter purchase to be used for burial purposes, shall be forever exempt from all assessments or taxations or executions, attachments, or other legal process, and for any lien, charge, or appropriation for public purposes; and in the event Browinski Lodge should, from any cause, lose her charter as a lodge, and thereby cause these grounds to come under the control of the Grand Lodge I. O. O. F. of Kentucky, then the Grand Lodge of Kentucky shall conduct the affairs of these grounds in accordance with these articles of incorporation, and the Grand Master of the State shall appoint a committee of five citizens of Carrollton, Carroll county, to take charge of said grounds; and said committee to be governed and controlled by these articles of incorporation and the by-laws of same.

§ 16. The board of trustees shall in no case sell a lot or lots to any person of color, nor can such persons, under any circumstances whatever, either by purchase, gift, devise, or otherwise, ever become owner or holder of any lot or lots in this cemetery; nor shall any lot-holder be allowed to allow any person of color to be buried in a lot or lots owned by them, under the pain of forfeiture of his or her lot or lots.

§ 17. All moneys due and demands of every kind due this corporation shall be paid to its secretary, and no one else is

1876. allowed to receive the same. If any thing due the corporation should be received by any member, except the secretary, the corporation will not be bound thereby.

§ 18. *Be it further enacted*, That all contracts, conveyances, and sales heretofore made or received by Browinski Lodge, No. 64, I. O. O. F., or her trustees, in reference to the grounds, cemetery, and lots owned by said lodge at any time, be, and the same are hereby, declared legal and valid.

§ 19. That this act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 525.

AN ACT for the benefit of George W. Murphey, of Hopkins county.

WHEREAS, The county school commissioner for Hopkins county, in Kentucky, G. W. Murphey, by mistake, reported and drew for only (74) seventy-four school children as belonging to school district No. 34, in said county, as entitled to the school money for the year ending 30th June, 1874, when in fact the report of the trustees for said district showed there were one hundred, and that the teacher was entitled to pay for one hundred; and whereas, pay was drawn for only seventy-four, by mistake, when the number so drawn for should have been one hundred; and whereas, G. W. Murphey paid out of his own individual means to said teacher for the number of twenty-six school pupils, amounting to fifty dollars and ninety-six cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioner of Hopkins county be authorized to draw his draft upon the Auditor of Public Accounts, for the sum of fifty dollars and ninety-six cents, which, when countersigned by the Superintendent of Public Instruction, shall entitle Geo. W. Murphey to a warrant upon the Treasury, to be paid out of any surplus unclaimed by the teachers of Hopkins county on account of the Collins' History fund.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 526.

1876.

AN ACT for the benefit of W. F. Austin, committee for W. P. Austin,
a pauper idiot of Boone county.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer for eighty-one dollars and twenty-five cents, to be paid out of any money not otherwise appropriated, in favor of W. F. Austin, committee for W. P. Austin, a pauper idiot of Boone county.

§ 2. This act to take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 527.

AN ACT to legalize certain acts of the Boone county court.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That the act of the Boone county court, at its November term, 1875, appropriating \$138 for the purpose of purchasing and furnishing the county judge, county and circuit court clerks, and each magistrate in and for Union county with a copy of Stanton's Treatise, be, and the same is hereby, legalized and made valid.

Approved March 8, 1876.

CHAPTER 528.

AN ACT for the benefit of common school district No. 8, of Powell county.

WHEREAS, A three months' school, under the common school law of this Commonwealth, was duly and regularly taught in district No. 8, of Powell county, for the school year 1864; but by some negligence or incompetency of the school commissioner of said county for said year, the said district was not regularly reported, and therefore failed to draw any money from the Treasury; and whereas, by act approved May 31, 1865, for the benefit of said district, the trustees of said district were enabled to report after the time allowed by law, and authorized to draw from the surplus due Powell county the sum of seventy-two dollars and eighty cents; but upon

1876. presentation of said report, or certificate thereof, it appeared that there was not sufficient surplus due said county to pay amount due said district, there only being eight dollars and twenty-five cents (\$8 25) surplus to the credit of Powell county, which sum was all said district drew, leaving due said district the sum of sixty-three dollars and fifty-five cents (\$63 55); therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioner of Powell county be authorized to draw his draft on the Auditor for the sum of sixty-three dollars and fifty-five cents, which, when countersigned by the Superintendent of Public Instruction, shall entitle the parties thereto to a warrant on the Treasury for said amount, to be paid the party entitled thereto, out of the interest of the Powell county surplus bond fund for the school years ending June 30th, 1877 and 1878.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 529.

AN ACT for the benefit of common school district No. 30, in McLean county.

WHEREAS, J. E. Mills, A. J. Frazer, and R. Medley, trustees for common school district No. 30, in McLean county, for the year 1872, contracted for, and caused to be built, a school-house, in the town of Sacramento, in said district, for common school purposes, and upon a lot dedicated by the trustees of said town for the purposes aforesaid; and whereas, the said school-house cost the sum of six hundred dollars, and for the payment of which no means have been provided, but the same remains unpaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the trustee of said district to levy an ad valorem tax of not exceeding thirty cents upon each one hundred dollars of all the property, and a per capita tax not exceeding two dollars upon each white male citizen over the age of twenty-one years within the district aforesaid: the value of the property, and number of white

males herein authorized to be taxed, to be determined by the assessor's book of said county returned last prior to the levying of the tax aforesaid.

1876.

§ 2. That it shall be the duty of the said trustee to deliver to the sheriff of said county a list of the property and persons taxable under this act, with the rate of tax levied, within a reasonable time after the same shall have been so levied.

§ 3. The sheriff shall at once proceed to collect from each person upon said list, liable therefor, the taxes so levied, in the same manner that he is authorized by law to collect the revenue taxes of the State; and may in like manner distrain for the same, upon property liable to seizure or sale in payment of revenue taxes; and shall, within — months after receiving said list, account with the school trustee of said district the taxes so placed in his hands to collect; and for a failure to collect or pay over said taxes, the said sheriff shall, with his sureties, be liable on his official bond by action or motion prosecuted in the name of the trustee of said district.

§ 4. That it shall be the duty of the trustee of said district, upon the receipt of the taxes herein authorized to be collected, to pay out the same to the persons who may have furnished materials or money, or who may have done work or labor in the building and furnishing said school-house in satisfaction of their respective claims; and after the several demands aforesaid shall have been paid, the said trustee is directed to expend the residue of said taxes in improvements upon said house, or in furnishing the same in any manner he may deem proper.

§ 5. This act shall take effect from its passage, and shall continue in force until a sufficient sum to discharge the liabilities aforesaid shall be raised.

Approved March 8, 1876.

CHAPTER 530.

AN ACT for the benefit of Jane A. Philips, of Jefferson county.

WHEREAS, Jane A. Philips is the owner for life of a certain tract of land in Jefferson county, Kentucky, against which certain taxes, costs, and damages have accrued to the State of Kentucky while the same was in litigation, and at a time when the same had been decreed to her late husband,

1876. Thos. J. Philips, in the Louisville chancery court, which decree has been since reversed by the Court of Appeals; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and required to settle with, and receive of said Jane A. Philips, the actual taxes due upon said land for the years 1871, 1872, and 1873, without costs or damages, and to receipt to her for the same in full satisfaction of all claims for taxes due the State for those years.

§ 2. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 531.

AN ACT to repeal the charter of the town of Corydon, Henderson county, and reincorporate the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

Town reincor-
porated.

§ 1. That all acts and parts of acts incorporating the town of Corydon, or establishing a police court therein, be, and the same are hereby, repealed, and the said town is hereby reincorporated: *Provided, however,* That this act shall in nowise affect the property or rights of individuals of said town, or the liabilities of said town as a corporation; but all rights and liabilities shall remain as if this act had not been passed.

Boundary.

§ 2. The boundary of said town shall be as follows: Beginning at the intersection of second Cross street with Dorsey street on the Henderson and Corydon road; thence with Dorsey street, which is hereby extended, on a direct line to the line of survey between the land of Mrs. M. A. Dickey, deceased, and W. J. Elderton; thence with said line to the corner of Walton and Elderton's land; thence with the line of said Walton and Elderton to the line between Thomas W. Powell and Harbert Powell; thence with said line to Main street and across said Main street, taking in M. T. O'Brien's lot, on a direct line to a point in the line of Hancock street, to which point said Hancock street is hereby extended; thence with said Hancock street to an alley in the line between Ben.

F. Gibson and John R. Wilson; thence with said alley on a direct line to the line between John T. Handley and William Jones; thence with said line on a direct line to a point in the Corydon and Cairo road, near the house of Peter Green, colored; thence with said road north of west on a direct line to a point in Belle street in the land of Mrs. Sarah Wilson, to which point said Belle street is hereby extended; thence with said Belle street to First Cross street; thence with First Cross street, which is hereby extended, to the Corydon and Henderson road; thence with said road to the intersection of Dorsey and Second Cross street to the beginning. The trustees of said town are hereby authorized to extend all the streets and alleys in the above boundary, which have not already been extended, whenever, in their judgment, the said extensions may be necessary for the benefit and convenience of said town, or the inhabitants thereof.

Boundary.

§ 3. The trustees now in office shall remain in office, and may exercise all the powers granted to trustees of said town by this act, and shall be subject to all the liabilities and discharge all the duties imposed by this act, in the same manner as if they had been elected under it, until their successors are duly elected and qualified.

Present board of trustees remain in office.

§ 4. The fiscal, prudential, and municipal concerns of said town shall hereafter be vested in six trustees, who shall be styled "the Board of Trustees of the town of Corydon," all of whom shall be elected on the first Tuesday in June, 1876, three of whom shall hold their office for one year, and three of whom shall hold their office for two years, to be determined by lot among them as to which three shall hold their office for two years, and which three shall hold for one year; and on the first Tuesday in June of each year thereafter, there shall be three trustees elected by the qualified voters of said town, who shall hold their office for two years, who shall have resided therein for sixty days next preceding said election; the said trustees shall hold their office until their successors are duly elected and qualified as provided for in this act. Before proceeding to act as such, trustees take the oath prescribed by the Constitution and laws of this State, which may be administered by any justice of the peace, presiding judge of the county court, police judge, or county or circuit court clerk of Henderson county. The officer admin-

Style.

Election of trustees.

Term of office.

Oath.

1876.

Organization of
board.Vacancy—how
filled.Qualification of
trustees.Incorporating
clause.Powers, &c.,
of trustees.

Meetings.

Duties of chair-
man.Powers and
duties of chair-
man.

istering the oath shall certify the same to the board of trustees, and such certificate shall be spread on the records of the board; said trustees, at their first meeting after they are qualified, shall proceed to organize by electing one of their body chairman of the board; and also a clerk shall be elected at the same time, who may be a member of the said board of trustees. In case a vacancy shall occur in the board of trustees, they may fill such vacancy by appointment; and in case a vacancy shall occur in any office in said town, it shall be lawful for the same to be filled by appointment by the board of trustees until the next regular election. No person shall be a trustee or chairman of the board who does not reside in said town, or who has not resided in said town for one year.

§ 5. The chairman of the board and trustees of said town, and their successors, shall be a body-politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Corydon;" and by that name may sue and be sued, contract and be contracted with; they may take and hold real estate and personal property by purchase, devise, bequest, or donation, for the use and benefit of said town, and may lease or sell and convey the same, and may sell and convey any property, real or personal, now owned by them: *Provided, however,* They shall not lease or sell any such property, except by a vote of a majority of the board of trustees; and the names of those voting for the lease or sale of such property shall be entered upon the records of said board of trustees.

§ 6. The board of trustees may fix by their by-laws the time and place of regular meetings, and the mode of special meetings, and a majority of said board shall constitute a quorum for the transaction of business; but a less number may, by an order entered of record, compel the attendance of a quorum at any regular meeting; and in the absence of the chairman, they may elect one of their body present as chairman *pro tem*. The officer presiding shall sign the minutes of the preceding meeting, when approved by the board, and shall put all questions and preserve order, and shall not be entitled to vote on any proposition, except in case of a tie vote. The board of trustees shall have power to provide by by-laws for punishing any one guilty of disorderly conduct, in their presence, while sitting; and the said board of trustees shall have power to pass any by-law gov-

erning their own body, and may compel the attendance before them of any officer of said town. The title to the streets, alleys, and all public grounds in said town shall be, and is hereby, vested in the board of trustees of said town and their successors; and they may maintain any appropriate action to prevent any obstruction or damage to said streets, alleys, or other public grounds, shade trees, or other ornamental trees; and may recover damages for any injury to any of said streets hereafter done to said public grounds, shade, or other ornamental trees. The said trustees shall have power to build cisterns, dig wells, and may prohibit the shooting of fire-crackers, Roman candles, sky-rockets, or any other article of the kind within the limits of the said town; and they may also prohibit the reckless or unnecessary discharge of fire-arms in said town.

1876.

Title of streets
vested in trustees

Fire-crackers,
Roman candles,
and fire-arms.

§ 7. It shall be lawful for any male person over the age of twenty-one years, who is a non-resident of said town, to vote in any legal election of said town for any purpose: *Provided*, Such person or persons shall have a bona fide deed to any real estate within the corporate limits of said town recorded in the Henderson county clerk's office at least sixty days before such election.

Qualification of
voters.

§ 8. It shall be the duty of the clerk or sheriff officiating at any election of said town to seal and return the poll-books of said election to the then acting board of trustees; and after due examination by said board of trustees of the said poll-book, they shall declare who is elected, and grant to said persons a certificate of election; and they shall have exclusive power to decide on all contested elections or votes in any election of said town.

Duties of offi-
cers of election.

§ 9. Nothing contained in this act shall be construed so as to suspend any of the provisions or penalties of the "local option law," in regard to the sale of spirituous, malt, or vinous liquors, now in operation in said town; but the same shall remain in full force and effect as if this act had not been passed.

Local option
law in force.

§ 10. That the trustees are hereby authorized to force streets and alleys through any portion of said town whenever in their judgment it is necessary for the convenience of said town, or its citizens, by paying the owner or owners for any land or property damaged thereby through which said

May force
streets and al-
leys, &c.

1876.

May levy and
collect ad valo-
rem and poll-tax.

streets or alleys may run; and the same to be condemned in the same manner as lands are now authorized to be condemned by the general laws of this State. That hereafter it shall be lawful for the trustees of said town to levy and collect an ad valorem tax of not exceeding fifty (50) cents upon each one hundred dollars' worth of real and personal property within the corporate limits of said town, whether the said property be held by citizens thereof, or placed within said town by persons not citizens thereof, for the purposes of sale, manufacture, or other use or purpose in said town; and also a capitation tax not exceeding one dollar and a half upon every male citizens or person residing in said town over twenty-one years of age.

Pavements and
sidewalks to be
paved with wood,
stone, or brick.

Penalty for
failure.

§ 11. That the trustees of said town are hereby empowered to compel the property-owners of said town to make suitable pavements and curbing, of either brick, stone, or wood, as the trustees may direct, on the sidewalks in front of their property along the streets of said town, whenever the said trustees may deem it necessary and proper for the benefit of said town, or whenever the said streets in said town have been graded or paved; and in the event that any owner of said property refuse or will not have the same curbed and paved as directed by the said trustees, then said trustees are authorized to have the same done at the expense of the owner or owners of said property; and the said trustees and their successors in office shall have a lien on said property for the payment of said debt and costs; and for the purpose of subjecting the same to the payment of said debts and costs, the trustees of said town may sue the owner or owners of said property in any court having jurisdiction, and by a judgment of said court have said property, or enough thereof, sold to pay said debt and costs of suit; but the said property-owner or owners shall have the same right to redeem the same as is now provided for by law in regard to lands sold for taxes or otherwise.

Annual assess-
ment of property.

§ 12. That an assessment of the property of the citizens and residents of said town, or of persons owning property in the same, shall be made annually by an assessor to be appointed by the trustees of said town, in the same manner, and under the same restrictions, as required of assessors of the county of Henderson; and all property being in or coming into the said town between the first of January and the

first of May in any year for any of the purposes mentioned in section — of this act, shall be subject to assessment as other property.

1876.

§ 13. The trustees of said town may employ an attorney for said town, whose duty it shall be to prosecute all infractions of the by-laws and ordinances of said town; and said attorney shall receive, as part compensation for his services, thirty per cent. of all fines and forfeitures wherein he appears and prosecutes for the trustees of said town.

May employ an attorney.

§ 14. That the trustees of said town shall have the power to collect of each tavern-keeper of said town, who vends spirituous liquors in connection with his or their tavern, a tax not exceeding three hundred dollars, before such person shall be licensed as a tavern-keeper by the county court of Henderson county, which tax shall be equal and uniform; and the rate to be charged shall be fixed at the meeting of the said board of trustees in the month of May of each year, and shall not be increased during the twelve months ensuing from that meeting.

Tavern-keepers and vendors of spirituous liquors.

License to sell liquors fixed.

§ 15. That the trustees of said town shall have the power to license coffee-houses in said town where spirituous, vinous, malt, or other intoxicating liquors may be sold; and shall have the power to collect from any person or persons to whom they have granted such privileges an annual tax, not exceeding three hundred dollars, which shall be paid by such persons annually, semi-annually, or quarterly, as may be prescribed by the trustees of said town; but the tax shall be always paid in advance. The trustees shall have power to prescribe rules for the government of such saloons, coffee-houses, or taverns, and shall require of the proprietors of the same bonds, with good and sufficient security, for the faithful observance of the laws of said town, and the rules prescribed by the said trustees for the government of such houses as aforesaid; and for any violation of such rules, said trustees may at any time, for a violation of the rules, suspend such person from the right to sell or vend spirituous, vinous, malt, or other intoxicating liquors in the said town.

Coffee-houses, saloons, and taverns.

§ 16. The owners of such coffee-houses, saloons, or taverns shall at all times keep a printed copy of the rules prescribed by the trustees for the government of such houses in said town posted in some conspicuous place in the room where such sale is made.

To post up rules.

1876.

Fines and suspension of license

§ 17. Any tavern-keeper, or any person having license from the trustees of said town, as authorized by sections 14 and 15 of this act, in addition to being suspended from their privileges, shall be fined in any sum not exceeding two hundred and fifty dollars, nor less than twenty-five dollars for each violation of the laws governing said town, or for any violation of the rules prescribed for the government of such taverns or saloons in said town: *Provided*, That no person shall be fined but once for each offense, to be recovered by suit on the bond of such person or persons, and their sureties, before the police judge of said town, unless for some cause he cannot legally try such persons, then to be tried before the county judge of Henderson county.

Board of trustees constituted a board of supervisors.

§ 18. That the trustees of said town shall be constituted a board of supervisors of the assessor's books of said town.

Cemetery.

§ 19. That the board of trustees of said town shall have the control and management of the cemetery grounds near the said town, and shall be authorized to keep the inclosures of the same in proper repair, and ornament or improve the same at their discretion, employ a sexton, prescribe rules for the conduct and government of the same, and do all or any such things respecting the same as may appear to them to be proper; and may prosecute for trespass any person trespassing on the same, as now provided by law for trespass.

Pedlars and auctioneers.

§ 20. That the trustees of said town shall have power to fix and collect such tax as they may deem proper for peddlers and auctioneers doing business in said town; except master commissioners and other public officers, when in the discharge of their duties, shall not be required to pay any tax to said town.

Nuisances.

§ 21. That the trustees of said town shall have power to declare what are nuisances on public or private property, or elsewhere in said town, whether erected or about to be erected, remaining or permitted to remain, and proving or about to prove, a nuisance to adjacent property-owners, or persons living thereon. Upon complaint made by any person, it shall be the duty of said trustees to investigate the matter of said complaint; and if upon proof such things are shown to be nuisances, they shall so declare them, and order the same to be removed or abated, under such penalty as the trustees may prescribe; and where such nuisance exists on private property,

Nuisances—how abated.

it shall be the duty of the trustees, through their clerk or marshal, to serve, or cause to be served, a written notice on such property-owners, or persons in possession thereof, to remove the same within ten days after such notice; and in case of failure so to do, the said trustees shall have the same removed by the marshal, or some other person, at the expense of the owner, tenant, or other person in possession of the premises. In the event of failure or refusal of such person or persons to pay such expense of removal of such nuisance, then the trustees shall, by suit before the police judge of said town, recover the said debt and costs from the said parties; and that if any person shall leave any wagon, box, wood, or other thing in the streets, or upon the alleys or sidewalks of said town, for more than twenty-four hours, that is calculated to obstruct the free and uninterrupted passage of any part of such streets or sidewalks, he or they shall be fined a sum not less than ten nor more than twenty-five dollars for each day such obstruction remains upon such streets or sidewalks; but the trustees may grant to any one erecting or repairing any building in said town the right to place any material on such streets or sidewalks for a reasonable time, and may, from time to time, extend such privilege for good cause; and any person hitching, riding, or driving across any sidewalk in said town, or feeding any cattle upon the said sidewalks of said town, shall be fined for the first offense not less than one nor more than five dollars, and for each subsequent offense not less than five dollars.

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Penalty.

Obstruction of streets.

Building material excepted.

Hitching and driving on sidewalks; feeding cattle, &c., on streets.

Penalty.

Streets and alleys to be opened

§ 22. That it shall be the duty of the trustees of said town to cause all the streets and alleys of said town to be opened, and kept opened, and especially those now used as streets and alleys; and they shall have no power to permit any person to close any street or alley in said town, except by a vote of a majority of the citizens of said town, when, at any regular election, a poll may be opened for such purpose; but shall have authority to change the location of any street or alley, upon the application of the owner or owners of the adjacent property, and the owners of property over whose lots said change may be made.

§ 23. That the trustees shall have power to grant to any person the right to erect ten-pin alleys or billiard tables in said town, upon their paying a tax of fifty dollars annually to the treasurer of said town; but if the owner or keeper

Ten-pin alleys, billiard tables, &c.; license, &c.; fine for gambling on same.

1876.

shall permit any money or other thing to be bet, won, or lost in said alley, upon the result of any game, his license shall be immediately revoked by the trustees of said town, and he shall be fined in a sum of not less than one hundred dollars, and not more than three hundred dollars, to be recovered as other fines in said town. It shall be the duty of the said trustees to prescribe rules for the government of such ten-pin alleys and billiard tables as are prescribed in this act.

Trustees to prescribe rules for ten-pin alleys, billiard tables, &c.

Powder, benzine, and coal oil.

Chimneys, &c.

Penalty for failure to repair flues, &c.

§ 24. The trustees shall have power in said town to prescribe the places and manner in which powder, benzine, and coal oil shall be sold and stored; and shall also see that all chimneys and flues are kept in good order, and require the owner thereof to repair such flue, stove, or chimneys, and upon his or her failure to do so, in ten days after notice, to cause such repair to be made at the cost of the owner; and for this purpose they shall have ingress and egress to all buildings the flues, stoves, or chimneys to which have been ordered to be repaired.

Grocers to obtain license to sell liquors same as coffee-houses, saloons, & taverns

§ 25. The trustees of said town may apply all the provisions and penalties of sections fourteen and fifteen of this act, in regard to the sale of spirituous and other intoxicating liquors in said town, to all grocers and other persons selling such liquors by wholesale; and all the provisions of the said section are hereby made applicable to grocers and others in said town in the same manner as is prescribed therein for coffee-houses, saloons, and taverns.

Dogs, hogs, &c., to be taxed, or may be apprehended and confined.

May be redeemed, &c.

Penalty.

§ 26. The said trustees may, in their discretion, levy and collect such tax on hogs, dogs, or other domestic animals running at large in the streets of the town, and a special tax on dogs owned in said town, as they may deem proper, or have the said animals taken up and confined, to be redeemed by their owners within such time as the board of trustees may prescribe, by paying the cost of such apprehension and confinement as fixed by the said trustees; and in the event of said owner or owners refusing or failing to redeem said animals in the prescribed time, the same may be sold or otherwise disposed of by the said trustees for the benefit of the town, and for the payment of the cost of their apprehension and confinement.

A trustee not to be surety on official bond.

§ 27. No member of the board of trustees shall be surety on the official bond of any officer of this town; and no person

acting as judge or other officer in any election in said town shall be a candidate, or be eligible, or be elected, to any office voted on in said election.

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Candidate shall not be judge of election.

ARTICLE II.

§ 1. There shall be elected on the first Tuesday in June, 1876, and biennially thereafter on the first Tuesday in June, by the qualified voters of the town of Corydon, a police judge, who shall hold his office for two years, and until his successor is elected and qualified. No person shall be police judge who is not twenty-one years of age, and who has not been a resident of said town for one year next preceding his election. No vendor of spirituous liquors at retail by license, keeper or owner of a billard saloon or bowling alley, shall be police judge; and any person holding the office of police judge, who shall become a vendor of spirituous liquors by license, or keeper or owner of a billard saloon or bowling alley, shall *ipso facto* vacate his office. The police judge now in office shall remain in office, and may exercise all the powers granted to the police judge of said town by this act until the first Tuesday in June, 1876, at which time his successor shall be elected by the qualified voters of said town; and should the office of police judge become vacant at any time, the trustees of said town shall appoint one until the next election of trustees of said town, at which election a police judge shall be elected, who shall hold his office until the next regular election of police judge of said town.

Election of police judge.

Not to vend liquor or keep billiard saloon or bowling alley.

Time of election.

§ 2. The police judge of said town, or in his absence, the chairman of the board of trustees, shall have exclusive jurisdiction of all offenses against the ordinances and by-laws of said town, and concurrent jurisdiction with the county judge and justices of the peace in all criminal and penal offenses committed in the county of Henderson; and the police judge of said town shall have concurrent jurisdiction in all civil cases with justices of the peace of said county; and for all civil cases he shall keep a separate docket, on which such cases may be set for trial on some specified day, to be fixed by said police judge, in the months of March, June, September, and December of each year; and in such trials he shall be governed by the same laws as now control county judges and justices of the peace in the State of Kentucky; and any civil

Jurisdiction of police judge.

Jurisdiction and duties and powers of police judge.

1876. process issued by him may be returned to the county judge or to any justice of the peace of Henderson county. He shall be a conservator of the peace in Henderson county, and shall be commissioned by the Governor, and take the same oath as is required of the justices of the peace, and execute bond as now provided by the laws of this State. The police court shall be styled "The Police Court of the Town of Corydon," and the same is hereby declared to be a court of record, and shall have all such powers of preserving order, punishing contempt of its authority, and enforcing obedience to the same, that is possessed by the county judge. All fines imposed by the police court for offenses committed in said town shall be for the benefit of said town, and shall be paid over by the officer collecting the same to the treasurer of the board of trustees within ten days thereafter. All warrants issued by the police judge of said town for offenses committed in the said town, which are cognizable, shall be in the name of the Commonwealth of Kentucky, for the benefit of the trustees of said town, and shall be executed by the marshal of said town, or by any other peace officer of Henderson county to whom they are delivered, and returned by such officer to the police court for trial; said police court shall have power to take bail for the appearance of persons charged with offenses within its jurisdiction, as defined in this act, at a subsequent day for trial, or to indorse on warrants issued by him the sum in which defendants may be admitted to bail by the officer making the arrest, for his appearance on a day to be fixed by such officer; and in case any defendant shall fail to appear in discharge of his or her bail, may declare the same forfeited, and summon the defendant, and his or her sureties, to show cause why judgment should not be rendered against them for the amount of the bond; and if no sufficient reason is shown within ten days after service of the summons, may give judgment for the amount, on which judgment a "*capias pro fine*" may issue, and when collected, the same shall be paid to the town treasurer: *Provided, however,* That the bail required of the defendant shall in no case exceed the amount of the fine which might be imposed and the costs of the action.

Fees.

§ 3. The fees of the said police judge shall be the same as those of the county judges and justices of the peace in this State for similar services.

§ 4. Either party may appeal from a judgment of the police court to the court of common pleas in civil actions, or to the circuit court of Henderson county in criminal or penal cases. In any case when, by the provisions of the Civil Code of Practice, such party would have the right to appeal from the judgment of the quarterly court or justice of the peace, the appeal shall be taken in the same manner, within the same time, and on the same conditions, as from the quarterly court or justice of the peace. The police judge shall have power and jurisdiction to enforce the laws of this State against vagrants, gypsies, and peddlers who shall offend against the laws of this State; against vagrants, gypsies, and peddlers within the limits of said town; and to require bonds to keep the peace and be of good behavior; and the said police judge shall have jurisdiction of all violations of the laws, rules and regulations, of said town.

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Appeals.

Vagrants, &c.

ARTICLE III.

§ 1. The marshal shall, within ten days after his election, in addition to the oath required by the Constitution and laws of this State, take an oath faithfully to discharge all of his duties under this act and the by-laws of the board of trustees of said town, and execute bond, with securities, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and that he will in due time collect and pay over to the proper person all taxes which it shall be his duty to collect; also all fines, assessments, forfeitures, or other dues of said town placed in his hands for collection; and that he will, in good faith, to the best of his skill and judgment, execute all such duties as may be lawfully required of him by the board of trustees or imposed by this act. The marshal shall execute all process to him directed from the police judge or other officer for breaches of the by-laws or ordinances of said town, or for any offense committed in said town; and he may execute process issued by any officer in the Commonwealth of Kentucky for an infraction of the criminal or penal laws of this State; and for these purposes may go to any part of Henderson county; and said marshal shall have concurrent jurisdiction with constables of said county in all civil cases: *Provided, however,* He shall have no power to execute civil process until he shall have entered into bond, with approved surety, in the county court, in the same

Marshal's oath.

Bond.

Duties.

Duties.

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Duties and liabilities.

Duties and powers of marshal.

Can make conveyance of real estate.

Deputy.

Duties and powers of town marshal.

manner as constables are required to do. He shall have all the power to levy, distrain, and sell for all taxes, fines, assessments, or forfeitures, or other dues of the board of trustees, as sheriffs have in the collection of the revenue or county levy, and shall have the same compensation, or any additional compensation which the board of trustees may allow; and upon his failure to collect and pay over, he and his sureties shall be liable in the same manner, and proceeded against in the same way, that constables are proceeded against in this Commonwealth. The marshal shall have the power to sell any real estate to pay any town tax or assessment against its owner, in the same manner, and on the same terms, that sheriffs have to sell under execution, when he shall be unable to find personal property in the said town to pay the same; and shall return the authority under which he made the levy and sale, with his return indorsed thereon, to the clerk of the circuit court of Henderson county, who shall record the same in the same manner as execution sales are required to be recorded; and shall be entitled to the same fees therefor. Such real estate shall be subject to redemption in the same manner, and in the same time, and on the same terms, as real estate sold under execution; and if not redeemed in one year shall be conveyed to the purchaser by the marshal in the same manner as real estate is conveyed by the sheriff; and for making such deed the marshal may charge and collect two dollars and fifty cents of the purchaser of such real estate; and said marshal shall have the same power to levy, collect, and sell under any execution that sheriffs now have in this State. The marshal of said town may appoint a deputy, who shall reside in the town of Corydon; and the said marshal shall be held responsible on his bond for the acts of the said deputy; but such deputy shall have jurisdiction only in cases of infraction of the by-laws and ordinances of the board of trustees. It shall be the duty of the marshal to arrest all persons who may be guilty of a violation of any of the by-laws or ordinances of said town, or of the charter thereof, respecting the good order, peace, and tranquility of said town, or of any of the inhabitants; and for this purpose may, when necessary, call to his aid any or all of the white male inhabitants of said town; and any of the inhabitants failing or refusing to obey such summons shall be fined not less than two nor more than twenty dollars, to be recov-

erable before the police judge. He shall at all times arrest drunken and disorderly persons, and bring them before the police judge or chairman of the board of trustees, or, in their absence, before the county judge or any justice of the peace for the county of Henderson. The marshal shall attend all sittings of the police court, and all regular meetings of the board of trustees, and perform all such services, not inconsistent with the nature of his office, as the trustees may prescribe by the by-laws. In case the police judge or marshal shall fail to give bond as required by this act, within ten days after the former received his commission, or the latter is elected, he so failing shall forfeit his office, and the same shall be declared vacant by the board of trustees; or if the police judge shall remove from said town, or the marshal shall move a greater distance than one half mile from said town, his office shall in like manner be declared vacant.

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Marshal to attend all sittings of police court and meetings of the board of trustees, &c.

Failure to give bond vacates offices of marshal and police judge.

Removal over one half mile forfeits office.

ARTICLE IV.

§ 1. The board of trustees shall annually appoint one town assessor, who shall take in a list of all property in said town, taxable under section of this charter, and to fix a just and fair value upon all property listed for taxation between the 10th of January and the 1st of May in that year, which list shall be made on the oath of the party; or if any one refuses to give in a list, and swear to it, or fails to do so from any cause, the list shall be made from the best information the assessor possesses, or the best information he can obtain. Two fair copies of said list, arranged in alphabetical order, shall be completed by him, and returned to the board of trustees at their first regular meeting in May, whereof notice shall be given that said inhabitants may examine, or owners may examine, the same; and if any one shall feel aggrieved thereby in excessive valuation, application may be made to the board of trustees; and proof being made to their satisfaction, the list may be corrected. The board of trustees shall pay the assessor a reasonable compensation for his services.

Assessor and his duties.

ARTICLE V.

§ 1. The board of trustees shall appoint a clerk of their board, whose duties and pay may be determined by suitable ordinance or by-law by the said board of trustees.

Clerk.

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ARTICLE VI.

Weight-master.

§ 1. The said board of trustees shall appoint a weight-master for said town, whose duties and responsibility shall be determined by ordinance of the board of trustees.

ARTICLE VII.

Repairing streets and road tax remitted.

§ 1. It shall be the duty of the said trustees to have the streets and passways of said town kept in good repair; and may appoint a superintendent of streets and roads within the limits of said town, and make such contract for this purpose with such superintendent as they may think proper for the working of the same; and shall have power to prescribe the time and manner of working the said streets, roads, and passways; and may require every male inhabitant of said town between the ages of sixteen and forty-five years to work on the same or pay such tax in lieu thereof as they may prescribe; and when the county roads passing through said town are kept in order by said trustees as above provided for, the inhabitants of said town shall not be required to pay any road tax other than the tax provided for in this act.

ARTICLE VIII.

Acts repealed.

§ 1. All acts or parts of acts conflicting with any of the provisions of this act are hereby repealed.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 532.

AN ACT to incorporate turnpike company in Anderson county, Lawrenceburg and Camdenville Branch Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any five men in Anderson county may associate themselves together, and become a body corporate and politic, sue and be sued, plead and be impleaded, and have all the rights and privileges now granted by law to incorporated companies, for the purpose of constructing a branch turnpike road from the Lawrenceburg and Camdenville Turnpike Road, on Hammond's creek, the most direct and practical route, to some point on the ridge road leading from Fox creek to Johnsonsville, at or near the widow Bickers' farm.

§ 2. That the provisions of an act, entitled "An act to incorporate the Camdenville, Johnsonsville, and Burnt Church Turnpike Company," approved February 21, 1870, so far as the same is not in conflict with this act, and is necessary to the construction of the aforesaid road, shall be, and is hereby, made part of this act.

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§ 3. *Be it further enacted*, That the board of said company may establish one gate, or two half gates, for every five miles of road constructed by them: *Provided*, They charge no higher rates of toll than is now prescribed by law.

§ 4. They may extend the said road to the Nelson county line, at or near the Burnt Church, *via* Johnsonsville, whenever they deem it proper to do so.

§ 5. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 533.

AN ACT for the benefit of the common school district No. 28, of Metcalfe county.

WHEREAS, J. R. Dozier taught the common school in district 28, Metcalfe county, for the scholastic year ending June 30th, 1874, and in consequence of the district census not being reported in time, no apportionment of the public fund was made for said year; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty-two dollars and forty-eight cents be appropriated to J. R. Dozier, teacher of district No. 28, of Metcalfe county, to be paid out of the interest due on the Metcalfe county surplus bond, being the amount due for thirty-two children; and when the commissioner of Metcalfe county shall present his draft, countersigned by the Superintendent of Public Instruction, to the Auditor, he shall issue his warrant on the Treasury in favor of said Dozier for said amount.

§ 2. This act shall take effect from and after the 10th of January, 1877.

Approved March 8, 1876.

1876.

CHAPTER 534.

AN ACT to amend the charter and reduce into one the several acts concerning the town of Sharpsburg, Bath county. .

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary.

§ 1. That all that part of the county of Bath included in the original Sharp and Penick surveys, laying out the said town, shall be, and the same is hereby declared to be, the town of Sharpsburg.

Trustees—when elected.

§ 2. The prudential, fiscal, and municipal affairs of said town shall be vested in five trustees, who shall be elected annually from and after the first Monday of March, 1878, in the manner hereinafter provided, and shall hold their offices until their successors have been elected and duly qualified.

Who eligible.

No one shall be eligible as trustee who is not the owner of a freehold estate in said town of the assessed value of at least five hundred dollars, has not attained the age of twenty-one years, and been a bona fide resident of said town at least one year next preceding his election.

Notice of election to be given.

§ 3. At least ten days before the first Monday of March, 1878, and every year thereafter, an order shall be issued by the board of trustees for the election, on the said first Monday of March, of five trustees, a police judge, town attorney, town marshal, town jailer, clerk, treasurer, and assessor, the said order designating the time and place at which said election shall be held, and appointing two judges and a clerk to conduct the same: *Provided*, That if the said trustees at any time shall fail or refuse to appoint the judges for conducting said election, the county court of said county shall, at their next or some succeeding term, on the application of at least three qualified voters of said town, appoint judges and a clerk to conduct the same, and fix a day and place therefor. All males over the age of twenty-one years, who shall have been bona fide residents of said town for sixty days next preceding the election, and shall have paid all fines and taxes assessed against them by the trustees of said town, shall be entitled to vote at said election, naming the persons for whom they vote as trustees, police judge, town attorney, marshal, jailer, clerk, treasurer, and assessor. The trustees, police judge, and other officers herein provided for, shall be elected for one year each. The judges and clerk of said election shall be paid by the

Who voters.

board of trustees the same fees that by law are allowed the judges and clerks in State elections.

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§ 4. The judges and clerk of said election shall, on the Wednesday following the same, meet at the office of the police judge of Sharpsburg, compare the vote for trustees, police judge, town attorney, marshal, jailer, clerk, treasurer, and assessor, and give to the persons receiving the highest number of votes a certificate, each, of his election.

When to compare vote.

§ 5. The trustees and other officers of said town, before entering upon the duties of their respective offices, shall take an oath before some officer authorized by law to administer the same, to support the Constitution of the United States and of the State of Kentucky, and to discharge the duties of their respective offices faithfully, impartially, and to the best of their ability, so long as they shall continue in office, together with such other oaths as the by-laws of the town may require.

Trustees and officers to take oath.

§ 6. The trustees and other officers of said town shall reside and keep their offices within the limits of said town during their continuance in office.

§ 7. Whenever a vacancy occurs in any of the offices of said town by death, resignation, removal, or other disability, said vacancy shall be filled by an election for the remainder of the term, upon due notice of the time and place of holding said election, and in the manner heretofore prescribed for the election of officers: *Provided, however,* That when the remainder of said term shall be less than six months, the board of trustees may fill such vacancy by appointment.

Vacancies—how filled.

§ 8. At their first regular meeting after their election and qualification, the trustees shall elect a chairman, who shall preside at the meetings of the board, and give the casting vote when there shall be a tie. He shall call the board to order, and convene the same when he may think proper; and shall sign his name to all the orders and proceedings of the board entered upon the book kept by them for that purpose. In the absence of the police judge, or his inability to serve from any cause whatever, or when the defendant shall desire the same, the said chairman shall have and exercise the same authority and jurisdiction in cases wherein the by-laws and ordinances of said town have been violated that are conferred by law upon said police judge, and shall be entitled to the

Chairman of board.

His duties.

1876. same fees that are granted by law to said police judge in similar cases.

Meeting of board § 9. The regular meetings of said board shall be held at such time and place as by their by-laws they may direct. Any four of the trustees shall be capable of doing business in session; and in case of the absence of the chairman from any regular or called meeting, they may fill his place by the appointment as chairman *pro tempore* of one of their number. They shall have power to impose a penalty not exceeding five dollars, upon any member for non-attendance at any one meeting.

Name and style. § 10 The said trustees, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of "The Trustees of Sharpsburg;" and by that name shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, and defending and being defended, in all courts and places; and are em-
Corporate powers. powered to do all acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do.

Trustees—their powers. § 11. The said trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town. The legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate which now does, or hereafter may, belong to said town, shall be vested in said trustees, and their successors in office, so far as may be necessary to keep the same in repair, or to improve the same; and they shall have authority to institute any action in relation thereto that a private individual could do who might be the owner of real property under like circumstances. They shall have full power and authority, a majority of them concurring, to cause all the streets and alleys, or any of them, or any part or portion of them, in said town, now established, or hereafter to be established, to be graded, paved, macadamized, graveled, or otherwise improved. They shall have full power and authority to require the owners of real estate in said town to construct, or to repair, and keep in repair, the sidewalks in front of or binding on their said real estate; and if said owner shall fail to construct, or to repair, and keep in repair, the sidewalks in front of or binding on the same, in the manner required by an order of the board of

trustees, for forty days after the owner or occupant thereof shall have been notified by the said trustees to construct, repair, refit or relay such sidewalks, then the said trustees shall have power to cause such sidewalks to be made at their own expense; and for such construction or repairs shall have a lien upon said property, and may sue the owner thereof and recover the amount so expended by them in constructing or repairing, and ten per centum thereon, and costs of suit, in any court of competent jurisdiction; and they may have all the remedies to recover the same that any other creditor has to coerce and recover debts due him.

1876.

§ 12. The said trustees shall have power to levy and collect an ad valorem tax, not exceeding twenty-five cents on the one hundred dollars in any one year, upon all the real estate situate in the boundaries of said town, and all the personal property and choses in action of the citizens resident in said town, which they are required to give in for State taxation under the equalization law; and a poll-tax on each male resident over twenty-one years of age, not exceeding two dollars. They shall have power to tax auction sales and shows and exhibitions for money or profit, such sums as by their by-laws they may declare; they shall have full power to suppress all tippling and gambling-houses and houses of ill-fame, and fine all those who may violate their by-laws and ordinances any sum not exceeding twenty-five dollars, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, tippling-houses, gambling-houses, and houses of ill-fame, where the penalty may be one hundred dollars, recoverable before the police judge or chairman of the board of trustees of said town, or any justice of the peace of Bath county; and for the purpose of taxing such auction sales and shows and exhibitions, suppressing such tippling and gambling-houses and houses of ill-fame, and fining such violators of their ordinances and by-laws, their jurisdiction shall extend to every point within a half mile of the limits of said town; they shall have power to declare what are nuisances, and to remove the same; and to provide for the security of said town against fire by organizing a fire company, defining their duties, and punishing by fine those who fail to perform the duties required of them; they shall have power to pass all by-laws and ordinances that may be necessary for

May levy and collect ad valorem and poll tax.

May suppress tippling - houses, &c.

May declare and remove nuisances.

1876. carrying into effect the powers herein granted, and executing the provisions of this charter.

May require
bond of town offi-
cers.

§ 13. The said trustees shall, in their discretion, take from the officers of said town, respectively, bonds, with approved security, payable to the trustees of Sharpsburg, and their successors in office, in such penalties as said trustees may direct, conditioned for the faithful discharge of their respective duties; and for the violation of such bond, or of the duties of such office, suits may be brought and motions made before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that suits are brought and motions made against other officers for failure of duty.

Clerk and treas-
urer to keep rec-
ord.

§ 14. It shall be the duty of the clerk and the treasurer to keep a record of the proceedings that properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to the trustees of all the moneys received and paid out by him, whenever required by them so to do. The treasurer, on the last Monday of February of each year, shall make a public statement of the financial condition of said town, and therein exhibit the receipts and expenditures for the last fiscal year.

Police judge—
his jurisdiction.

§ 15. The police judge shall have jurisdiction within the limits of the magisterial district in which said town is situated, of all civil causes in which the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars; and of such other cases as the parties may agree shall be returned before him, whether such cases, or the penalty to the same, be in said district or anywhere else in the county. In all criminal cases, the said police judge shall have the jurisdiction, as a court of inquiry, now or hereafter given by law to two justices of the peace of said county, and shall proceed in like manner as said justices are required by law in criminal cases. He shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and power to enter judgment and award execution accordingly. He shall have full power and authority to grant injunctions, attachments, restraining orders, and writs of *ne exeat* and *habeas corpus*, and to issue warrants in civil and criminal cases, to be served in the county aforesaid, under the same rules and regulations prescribed by the several acts authorizing justices of the peace to grant injunctions, attachments,

restraining orders, and writs of *ne exeat* and *habeas corpus*, and to issue warrants; and it shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, or to give their depositions; and, upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt: *Provided, however,* The fine shall not exceed five dollars, nor the imprisonment eight hours. He shall have power to order the marshal to summon a jury in any case cognizable before him, where a jury would be necessary before a circuit court or a justice of the peace. He shall have power to take depositions and certify the same, to be read as evidence in any cause pending in any courts where the depositions now authorized to be taken by examiners may be read.

§ 16. The said police judge shall be entitled to the following fees: For swearing a jury and presiding over it in any case, except breaches of the peace and forcible entry and detainer, one dollar; for presiding at the trial of all breaches of the peace or misdemeanor, to be taxed against the defendant if found guilty, two dollars; for swearing a jury and superintending trial of forcible entry and detainer, per day, two dollars; for presiding at examining court, to be paid out of the Treasury, per day, two dollars; for taking depositions, same fees allowed examiners; for issuing warrant of arrest of witness or witnesses, twenty-five cents; for each order of injunction, twenty-five cents; for each copy thereof, fifteen cents; for each order of attachment, twenty-five cents; for each copy thereof, fifteen cents; for each subpoena, twenty cents; for each bond and oath to sureties, and certificate thereof, forty cents; for each copy thereof, twenty-five cents; for taking a recognizance in court, thirty cents; for each distress warrant for rent, fifty cents; for issuing an execution, including indorsements and return thereof, to be charged when issued, forty cents; for a copy of any execution, twenty-five cents; for rendering a judgment, twenty-five cents; for rendering an original judgment without a jury, twenty-five cents; for each copy of a judgment, twenty cents; for entering and giving a post-note of an estray, affidavit, and certifying, &c., fifty cents; for issuing a summons

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1876. for a garnishee, twenty-five cents; for a copy of each order of arrest, in ordinary and equity, fifteen cents; for a copy of each order of delivery, fifteen cents; for each order in court in any action, twenty-five cents; for each copy thereof, twenty cents; for taxing costs for each party or parties at each term when judgment for costs is rendered or on final judgment, twenty cents; for each *subpœna duces tecum*, twenty-five cents; for docketing a cause at each term, ten cents; for a copy of each summons, fifteen cents; for granting an injunction, attachment, restraining order, or writ of *ne exeat* or *habeas corpus*, each, fifty cents; for all services for which fees are not specifically allowed herein, the said police judge shall be entitled to charge and receive the same now allowed by law; and all other fees of said judge shall be the same as allowed justices of the peace, and collected in the same way.

Proceedings—
how instituted.

§ 17. When any prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall issue in the name of the Commonwealth for the use and benefit of the trustees of Sharpsburg, and said town shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said town shall not be responsible to the officers for the costs.

§ 18. The said police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, deputy marshal, clerk, or other officer of said town, for all sums of money or other thing that may be due from them or either of them, and of all other suits by the trustees, where the amount in controversy does not exceed one hundred dollars; he shall have a jury to try all matters before him, if desired by either party, where the amount in controversy exceeds sixteen dollars.

Appeal may be
had from decision
of police judge.

§ 19. From any judgment by said police judge either party may appeal to the circuit court, under the same rules and regulations authorizing appeals from judgments of justices of the peace to said court.

Town attorney
—his duties.

§ 20. It shall be the duty of the town attorney to act as the legal counselor and adviser of the board of trustees; and as their attorney in all cases in which they shall be plaintiffs or defendants; and to prosecute in the police court all persons charged with a violation of the criminal and penal laws, and of the by-laws and ordinances of said town. He shall in no

instance take a fee in the defense of such cases, or act as counsel in any case in opposition to the interests of said town. He shall make all motions against, and prosecute before the proper court, any officer of the town who shall violate his official bond or fail to perform the duties of his said office, and institute proceedings for the enforcement and forfeiture of recognizances and bail bonds, and the enforcement and collection of all judgments against offenders. He shall receive for his services a respectable salary from the board of trustees, and be entitled to thirty per cent. of all fines and forfeitures in cases wherein he shall actually appear as prosecutor.

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§ 21. It shall be the duty of the marshal to serve all process and precepts to him directed by said police judge or chairman of the board of trustees, collect all taxes of said town, and all executions and other demands that may be put into his hands to collect, and account for and pay over the same to those entitled thereto, under the same rules and regulations required of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings and penalties that may be had against sheriffs and constables in similar cases. The said marshal shall have the same power, and be entitled to the same fees for collecting the town tax and levy, that sheriffs have for collecting the State tax and county levy; and in all other cases the same fees allowed constables in similar cases: *Provided, however,* That the said police judge shall have power and authority to direct his process to be executed by the sheriff or any constable of Bath county. Said marshal shall be vested with all the power and authority that are given constables in all cases cognizable before said police judge or before a justice of the peace. He shall have the power, if need be, to summon the aid of the county in executing any process to him directed; and any person failing to aid him, when so summoned, may be fined by said police judge not exceeding five dollars, or imprisoned not exceeding eight hours. The said marshal shall exercise the same power that is given by law to any constable within the magistrates' district, in which said town is situated, under the same rules, penalties, and prohibitions that apply to con-

Town marshal
—his duties.

1876. stables; and in civil cases shall have authority to execute process, original, provisional, and final, from the quarterly court in all cases, not exceeding one hundred dollars, upon all matters of contract originating in said magistrates' district: *Provided, however,* That he shall not have power to execute said process out of the magistrates' district in which said town is situated: *Provided further,* That, at the written request of any plaintiff in a judgment rendered in any of the courts of Bath county, an execution issued on said judgment may be addressed to and collected by said marshal. The said marshal shall attend all the meetings of the board of trustees, and all the sessions of the Sharpsburg police court, and preserve order under his or their direction. It shall also be his duty, on the order of the chairman of the board of trustees, to notify the said trustees of the time and place of any meeting called by said chairman. Neither the said marshal, nor the deputy marshal hereinafter provided for, shall hold any other office of honor or profit under the State, county, or town during his continuance of said office of marshal or deputy marshal.

Time of holding police court.

§ 22. The times for holding the police court for the trial of civil causes shall be regulated in the same manner that courts of justices of the peace are regulated by law. Said court shall be regarded as open and in session, at any and all times, except Sundays, for the trial of criminal and penal causes, or any cause arising out of a violation of the by-laws or ordinances passed by the board of trustees.

§ 23. All fines and forfeitures for a violation of the ordinances or by-laws of said town, and in all causes cognizable before said police judge, shall be collected and paid to the treasurer of said town, for the use and benefit of the town; and all moneys collected by judgment of a justice of the peace, for a violation of any of the said ordinances or by-laws committed within the limits of said town, shall in like manner be paid over to the treasurer.

§ 24. No money shall be drawn from the treasury except by order of the chairman, in pursuance of an allowance made by said board of trustees.

§ 25. The trustees shall have power to impose a tax upon domestic animals running at large in said town; and shall have authority to prohibit, by ordinance, with suitable penal-

ties, said domestic animals from running at large in the streets or alleys thereof. They shall also have power, whenever in their opinion the interests of the town require the same, to levy and collect a tax on all dogs in said town, not exceeding five dollars on the head.

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§ 26. It shall be the duty of the town assessor, annually, under the direction of the board of trustees, to take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her, or their real estate within said town (farming lands excepted) subject to taxation under the laws of the Commonwealth, with the value thereof, on the 10th day of January in that year in which the list was taken; and also the true and just valuation of such other estate of each of said inhabitants or owners, whether in goods, stock, or other property owned, used, held, possessed, or employed by him or them in said town, on said 10th day of January, as may be designated by said board for taxation; which said list shall be made on the oath of the party, or if the party refuses to give in a list, and swear to the same, the list shall be made from the best information the assessor possesses. A fair copy of said list, arranged in alphabetical order, shall be completed and returned to said board at their first regular meeting in May; and any of said inhabitants or owners of property, upon application, shall have the right to examine the same; and if any one should feel aggrieved thereby in an excess of valuation or otherwise, application may be made, in ten days, to the board, and on proof being made to their satisfaction, the list may be corrected.

Town assessor
—his duties.

§ 27. It shall be the duty of the clerk to make out and deliver to the marshal a fair copy of the assessor's list, with the amount of tax to be paid by each individual, and take his receipt therefor; and the trustees shall by their warrant authorize and direct the marshal to collect the same; and shall pay said clerk and assessor such compensation as they may deem proper, and to the marshal for collecting said taxes such per centage as is allowed by section twenty-one of this act.

§ 28. For any tax to be levied under this law, upon the personal and real property in said town, there shall exist a lien in favor of the trustees until the same is paid; and unless the

1876. owner or owners of said property, or some one for them, shall pay the said taxes on or before the first day of September in each year, it shall be lawful for the trustees, by their marshal, after due notice, to sell at some public place in the town so much of the personal or real estate of the person in default as will pay off and discharge the taxes of such defaulter due to said trustees; and said sale shall vest the purchaser with title and right to hold the same: *Provided, however,* That the owner or owners of such real estate so sold, their heirs, administrators, or executors, may, at any time within two years from the day of sale, redeem the same by paying or tendering to the purchaser, or, in case of his absence or removal, to the clerk of the board of trustees, the purchase money, with ten per cent. per annum thereon from the day of sale to the day of payment or tender; but should the owner, or some one for him, fail to redeem the said real estate within two years, the trustees shall thereafter, upon the request of the purchaser, or any one under him, convey the said estate to the purchaser, or those under him, as the case may be.

Trustees may
license taverns,
&c

May levy tax,
&c.

§ 29. The trustees of said town shall have the right to tax and the exclusive right to license, all taverns, groceries, victualers, confectioneries, retailers of spirituous liquors, alleys for nine or ten-pins and billiard-tables, and all other houses of public resort, except gambling-houses and houses of ill-fame, and fix the tax therefor in any sum not exceeding one hundred dollars per annum. Any law giving the county court authority to license taverns or retailers of spirituous liquors in said town is hereby repealed; but the license which any tavern-keeper or retailer of spirituous liquors has already obtained shall be good until the time shall have expired for which he obtained it.

May suspend
license

§ 30. The trustees of said town shall have authority, a majority of them concurring, to suspend, either indefinitely or for a limited time, any license they may grant to tavern-keepers or retailers of spirituous liquors in said town, whenever they shall be satisfied that said tavern-keeper or retailer of spirituous liquors has permitted any unlawful gaming, or disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person to tipple or drink to intoxication therein: *Provided, however,* That no license shall be suspended until said tavern-keeper or retailer of spirituous liquors shall have had at least five days' previous

notice in writing, signed by the chairman, upon the order of the board of trustees, setting forth the grounds of such notice or complaint, and requiring him to appear before said board, at a time and place fixed in said notice, and show cause, if any, why his license should not be suspended. If any one whose license shall have been thus suspended shall afterwards sell by retail any spirituous liquor or wine, he shall be deemed guilty of keeping a tippling house.

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§ 31. The trustees of said town shall have power to contract debts, by borrowing money or otherwise, to improve the streets and alleys of said town, and to erect other public improvements for the benefit and advantage of said town, and to give bonds for the same, never, however, to bear a greater interest than ten per cent., in order that provision may be made by said trustees for the payment of the interest on all such debts as may be contracted, and for creating a sinking fund by which the principal of such debts shall be paid: *Provided, however,* That the principal of the debt or debts so incurred by said trustees shall, under no circumstances, exceed one thousand dollars, and that said trustees shall have no power to create any debt, by borrowing money, exceeding one hundred dollars, without the approval of the majority of the voters entitled to vote for trustees who may vote on the question of borrowing money; and to ascertain the will of the voters, a poll may be opened in the same way as for the election of trustees, and under like rules and regulations, and not to be closed sooner than five o'clock in the afternoon; and when a majority of those who vote shall be in favor of borrowing money for such improvements, the trustees may proceed to do so: *Provided, however,* The sum to be borrowed shall be stated before the poll is opened; and the trustees shall have no authority to borrow any larger sum. The bonds that may be issued for the payment of said debts shall be signed by the chairman, and countersigned by the clerk.

May borrow money for the purposes of improvement.

§ 32. The marshal, with the consent of the trustees, may appoint a deputy marshal, who shall take such oath as the trustees may require and prescribe; and for his official acts the marshal shall be responsible under the same rules and regulations as sheriffs are responsible for their deputies.

Marshal may appoint deputy.

§ 33. The trustees of said town are authorized and empowered to erect a jail or prison-house in said town, or adopt any

May construct jail.

1876. building already erected or used for said purpose, as a jail or prison-house, for the confinement therein of drunken or disorderly persons, and persons violating the ordinances of said town, when duly committed for confinement therein by a justice of the peace, or the police judge or chairman of the board of trustees of said town; and when any drunken or disorderly person is arrested in the night-time in said town, the officer making the arrest may commit him to said jail or prison-house until the next morning, when such person shall be tried; and a justice of the peace, or the police judge or chairman of the board of trustees of said town, may, on a hearing, commit a drunken or disorderly person, or person violating the ordinances of said town, for a period not exceeding two days, and, in addition, fine such person not exceeding twenty-five dollars. The jailer shall have power to make arrests for a violation of the ordinances or by-laws of said town, and shall be entitled to the same fees for similar services that are allowed by law to county jailers.

§ 34. The trustees shall have the exclusive control of the cemetery of said town, and shall have authority to improve and enlarge the same as, in their discretion, they may deem necessary; they shall have power to lay out and ornament the same, and erect suitable houses for the residence of the sexton and his family, and suitable vaults for the deposit of the dead prior to burial, and, from time to time, to alter, repair, and enlarge the same as may be deemed necessary for the use of the cemetery or grounds; and for the purpose of defraying the incidental expenses of the same, shall have power to dispose of lots or portions of lots at a price not exceeding two cents per square foot, and by certificate of said sale, vest the purchaser, and his heirs and assigns, with title: *Provided, however,* That such lots shall never be used for other purposes than as places of burial; and if applied to any other use, the title shall revert to the trustees. For the purpose of enlarging said grounds, or establishing a new cemetery, they shall have authority to purchase, or, if need be, to condemn, suitable lands, not exceeding twenty acres in area, under the rules and regulations that apply to the condemnation of lands by corporations for public purposes; they shall have power to pass the requisite by-laws and ordinances for the protection of the graves, tombstones, monuments, and such im-

1876.

provements as they may erect or cause to be erected in said cemetery, and persons violating said graves, defacing said tombstones or monuments, or willfully injuring any of said improvements, besides being liable to indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the trustees in an action of trespass, and the damages, when recovered, be applied by the said trustees to restore as far as possible any injury that has been done, and the surplus, if any, to the further improvement of said grounds.

§ 35. The trustees shall have and exercise the same authority over the sale of liquor by merchants that they have by law over the license of retailers; and no license granted by the said trustees for the keeping of taverns, groceries, victualers, confectioneries, establishments for the retailing of spirituous liquors, or for selling liquor as a merchant or any public house, shall authorize the person to whom license may be granted to keep a tavern, or to sell spirituous liquors, before such person shall obtain a license from the clerk of the Bath county court, authorizing the keeping of said tavern or such sale of spirituous liquors for one year; which license said clerk shall issue upon the payment by said applicant of the State tax that may now or hereafter be required by law.

§ 36. Nothing in this act shall be construed as vacating the offices of trustees or police judge as at present existing in said town; but the present incumbents shall hold their respective offices until their successors have been elected in the manner hereinbefore specified, and duly qualified; and until said election and qualification, the present trustees shall, as heretofore, appoint the marshal and other necessary officers, and, together with such officers as may by them be appointed, exercise all the rights and privileges to their respective offices appertaining, to the full extent, and in the same manner, as if they had been elected and qualified under this charter.

§ 37. All acts or sections of acts that may heretofore have been passed by this General Assembly, which may come into conflict with any of the provisions of this act, are hereby repealed.

§ 38. This act shall take effect from and after the day of its passage.

Approved March 6, 1876.

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CHAPTER 535.

AN ACT for the benefit of school district No. 34, in Taylor county.

WHEREAS, The school-house in said district has lately been so damaged by fire that it cannot be used as a school-house; and whereas, four months of the present session of the common school in said district has been taught; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction be, and he is hereby, directed to pay to the commissioner of common schools for Taylor county the amount to which said district would have been entitled if a school had been taught for five months; and that the commissioner for said county pay the same to the trustees of said district, upon his reporting to him that a school has been taught for four months.

§ 2. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 536.

AN ACT for the benefit of Jas. A. Howell, committee for Jas. Shoemaker, an adjudged pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of James A. Howell, of Green county, for seventy-five dollars, for keeping and caring for said pauper idiot, James Shoemaker, from November, 1873, to November, 1874: the said amount having been allowed, upon proof made before the Green circuit court, though not paid by the Auditor, as a new inquest should have been held at the May term, 1873, but was not held until November term, 1874, of said court; and the said Howell was caring for and providing for said idiot during said year, under his appointment as committee, believing the State would pay him for the same.

§ 2. This act to take effect after its passage.

Approved March 8, 1876.

CHAPTER 537.

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AN ACT to incorporate the town of Skilesville, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Skilesville, in the county of Muhlenburg, State of Kentucky, be, and the same is hereby, declared an incorporated town; and it shall embrace within its corporate limits all the lots, streets, and alleys as now laid off according to the old plot of the said town, together with the remaining land lying within the following boundary, to-wit: Beginning at the mouth of Mud river; thence down Green river with the meanders of said river to the mouth of Myers' slough, above Myers' landing; thence up said slough to the bridge on the Greenville and Rochester road, across said slough; thence on a direct line to the mouth of the lake on Mud river; thence down Mud river, with the meanders of said river, to the beginning.

§ 2. That S. H. Brewer, George W. Redding, John Stanley, L. R. Tibbs, E. E. Rhodes, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in May, 1876, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees, to serve for one year, and until their successors are duly elected and qualified; said trustees herein mentioned shall, before they enter upon the duties of their office, be duly qualified by some justice of the peace of said county, that they shall faithfully discharge the duties of said office.

§ 3. That said trustees, and their successors in office, shall be a body-politic and corporate, and shall be known as the trustees of the town of Skilesville; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number as chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. There shall be elected biennially on the first Saturday in May, at the same time that trustees are elected, a police judge and town marshal for the town of Skilesville, who shall

1876. serve until their successors are elected and qualified, and whose jurisdiction and powers shall be the same as justices of the peace and constables of the State of Kentucky. The police judge shall be commissioned by the Governor. The town marshal shall give bond, and be qualified in the Muhlenburg county court, the same as constables. The police judge shall have also the right and power to take depositions the same as any examiner for Muhlenburg county, who may be appointed by the Muhlenburg circuit court, or the judge thereof.

§ 6. The board of trustees shall give at least ten days' notice of the time and place of holding the election for town officers, by written notices, posted in at least three public places in said town. All elections shall be held by a clerk to be appointed by the board of trustees; said clerk shall certify the election of the police judge and marshal to the Muhlenburg county court; and said court, as to the police judge, shall certify to the Governor of the State.

§ 7. That said trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening, straightening, altering, or improving of the same, in such a manner as they may deem most beneficial to the said town; they shall have power to make all by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of the United States and of this Commonwealth; they shall have power to levy and collect a tax upon the property and tithes in said town, not to exceed twenty-five cents on each one hundred dollars' worth of property, and not exceeding one dollar on each tithe, to be applied to the improvement of the streets, alleys, and sidewalks, or other improvements necessary therein; they shall have power to tax shows and all public exhibitions such sums as they, in their by-laws, may fix: *Provided*, Such sums shall not exceed twenty-five dollars for each show or exhibition. It shall be the duty of said board of trustees to appoint a treasurer and clerk, and to take bonds, with sureties; and for a violation of duty, or default of any officer so appointed, suit may be brought before any tribunal having jurisdiction thereof; a majority of said trustees may, for proper cause, remove any officer, and appoint others to fill the vacancy.

§ 8. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of the town, for the use and benefit of the corporation.

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§ 9. It shall be the duty of the trustees of said town to keep the streets and alleys in good repair; they are hereby authorized to tax the citizens and owners of property a sum sufficient for that purpose: *Provided*, The taxation does not exceed the rates specified in section seven. The citizens of said town are hereby exempt from working on public roads outside of the corporate limits.

§ 10. The police judge, in addition to the powers conferred upon him by section fifth, shall have exclusive jurisdiction, subject to appeal, of all violations of the town ordinances and laws. It shall be the duty of the town marshal to execute all process directed to him by the police judge, and to collect the revenue of said town. Before entering upon the discharge of this duty, he shall give bond, with sureties to be approved by the trustees. If a vacancy should occur in the office of police judge or town marshal, it may be filled by the board of trustees until the next regular election.

§ 11. That this act shall take effect from and after its passage; and the right to repeal, alter, or amend this act is reserved to the General Assembly.

Approved March 8, 1876.

CHAPTER 538.

AN ACT, entitled "An act to amend the road law of Boone county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act approved January 29th, 1874, entitled "An act relating to opening and repairing roads in Boone county," be, and the same is hereby, amended, by adding thereto the following sections:

§ 1. That the supervisors of the several road districts in Boone county be, and they are hereby, authorized and empowered to collect the taxes assessed each in his respective district for road purposes, including the ad valorem and poll tax; and that the said supervisors are authorized to collect the said taxes by distress, if necessary, as sheriffs are author-

1876. ized to collect county and State taxes; and no property, real or personal, shall be exempt from distress for such road taxes. The supervisors may proceed to collect the said taxes as soon as the assessment is made, and the assessor's books examined by the board equalization, filed with the clerk of the county court.

§ 2. That it shall be the duty of the supervisor of each road district to furnish to the county clerk a list of the names of those in his district liable to road taxes each year; and thereupon the clerk shall furnish the supervisor with a list of the property assessed against each of said tax payers; and also a list of the names of those subject to the poll-tax in the district, as appears from the assessor's book. The supervisors shall perform the duties required of them by this section within one month after the assessor's book is returned to the county clerk's office; and the clerk shall immediately then perform the duty required of him by this section.

§ 3. That any person against whom road taxes are assessed, or liable to pay such tax, be and they are authorized to work the whole or any part of their said taxes out on the public roads in their districts, at the rates of one dollar per day for a full day's work; but no one shall have the privilege of working out his taxes as provided in this section, unless he works at such time, and on such roads in the district, as may be fixed and selected by the supervisor of the district.

§ 4. The supervisor of any road district may obtain by contract the use of such wagons, plows, teams, and implements as are necessary in performing his duties on the roads; and may in like manner procure necessary stone, lumber, and other materials for the benefit of the roads; and may, when necessary, hire stone-masons and other mechanics, for putting up culverts, bridges, &c., on their roads.

§ 5. That if any person liable to pay poll-tax for road purposes in said county shall fail to pay the same when demanded by the supervisor of his district, or fail to work out the same when required to do so by the supervisor, he shall be subject to a fine of five dollars, to be recovered by warrant before a justice of the peace, in the name of the Commonwealth, and paid over to the supervisor of the district. No property shall be exempt from the fine. The supervisor may proceed to collect the tax by distress, notwithstanding the fine be imposed.

§ 6. That the taxes (ad valorem and poll-tax) against each party for road purposes shall be collected and appropriated to the roads in the district where the tax-payer lives, at the time the lists of taxes are put in the supervisor's hands for collection by the county clerk.

§ 7. That the taxes collected or collectable by the supervisors of any road district any year proving to be insufficient for the purpose of keeping the roads in order in such district, then the supervisor may proceed to call out the hands liable to road service under the General Statutes, so long and so often as may be necessary to put the roads in repair, and keep them so until the next assessment of taxes be collectable.

§ 8. That the supervisors shall give the tax-payers at least two days' notice of the time and place they may work out their taxes on the road. The notice may be verbal or in writing, and given by him, or any one authorized by him to do so. The supervisor, or person notifying the tax-payers, shall tell them what kind of tools to bring with them to work on the road, and the tax-payer shall bring the same.

§ 9. The supervisors shall each keep an account of the number of days he is engaged in performing his duties under this and the act to which this is an amendment, and shall make oath thereto, and shall be allowed in his settlement at the rate of two dollars per day therefor, payable as provided in the original act.

§ 10. That each supervisor shall take an oath to faithfully perform his duties as such, and give bond, with good surety, to the Commonwealth, to be approved by the county court, conditioned that he collect and appropriate the road taxes as by law directed, and perform all his duties as such supervisor; on which bond suit may be brought by any one damaged by a breach thereof, and by the county attorney in the name of the county for a failure to collect or appropriate the taxes according to law; and the judgment shall in such cases be collected and paid to the successor of such supervisor.

§ 11. That when a party is called out to work on the roads under section seven hereof, or fail to work, or furnish tools as required, he shall be fined two dollars and fifty cents for each day that he so fails to work or furnish the tools, and at same rate for less than day; and in prosecution for so failing, it shall be no defense that these taxes collected or collectable

1876.

1876. in the district for road purposes that year, and not used by the supervisors, but any other good and reasonable excuse may be shown in defense. The prosecution shall be in the name of the Commonwealth, and before a justice of the peace.

§ 12. That the county clerk shall be allowed by the court of claims each year a reasonable sum for his services under this amendment, to be paid out of the county levy.

§ 13. That neither this act, nor the one to which this is an amendment, shall be construed as repealing the general law as to the opening and altering public roads in said county.

§ 14. This act shall not take effect unless its provisions shall have been first submitted to a vote of the legal voters of said county at the August election in year 1876; and if a majority of the votes so given shall be in favor of the provisions of this act, then they shall go into full force and effect; and if a majority shall cast their vote against the provisions of said act, then the said act shall have no force or effect. It shall be the duty of the clerks of the several election precincts of the county at the said election to propound the question to each voter offering to vote: "Are you for or against the amendment to the road law?" and his response shall be recorded as pronounced.

Approved March 8, 1876.

CHAPTER 539.

AN ACT to incorporate the Traders' Deposit Bank, of Mt. Sterling, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Bank established
Capital stock. § 1. That there is hereby established a bank of deposit in Mt. Sterling, Montgomery county, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, which may be by the board of directors increased to one hundred thousand dollars, to be subscribed and paid as hereinafter specified.

Name and style. § 2. The subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the "Traders' Deposit Bank, of Mt. Sterling, Kentucky;" and shall so continue for a term of twenty years from its

organization; and shall be capable of contracting and being contracted with; of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever.

1876.
Corporate powers.

§ 3. It may have a common seal, and change and renew the same at pleasure.

Common seal.

§ 4. Said bank shall be under the control and direction of five directors, each of whom shall be a stockholder in the same, and a resident of this State; and, after the first election, the said directors shall be elected annually on the first Wednesday in January in each succeeding year, and shall officiate until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws: *Provided*, That other meetings may be had at any time deemed necessary for the transaction of the business of the bank; and in case of the death or resignation of any director, the vacancy shall be filled by the remaining directors; and the person so chosen by the remaining directors shall hold office as a director until his successor is elected and qualified at the next annual election.

Directors.

When elected.

§ 5. The directors shall have power to receive subscription for so many of the shares of the stock of said bank remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business; and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank; and to pay them such sums as wages and salaries, and take from them severally such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable.

Their powers.

§ 6. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

Stock personal property.

§ 7. Andrew Fesler, H. H. Ringo, and W. A. Thurston are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock: *Provided*, That public notice shall be given, by two successive insertions in a newspaper of the county, of the time and place when said books will be opened; and when five hundred shares have been subscribed, it shall be their duty to give notice, in some newspaper published in Montgomery county, Kentucky, and

Commissioners.

Their powers and duties.

1876. appoint a day for the election of a board of directors, who shall be qualified and hold their office until their successors are elected at the ensuing annual election.

One vote for each share. § 8. In all elections for directors of said bank, the stockholders shall be entitled to one vote for each share of the capital stock he or she may hold in the same.

Shares subscribed—how paid. § 9. The payment for the shares subscribed shall be as follows: Five dollars on each share at the time of subscribing, and twenty dollars on each share within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after twenty-five thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue.

Shares may be forfeited. § 10. Should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intentions in some newspaper published in the county for four weeks, the directors may, by resolution entered on their records, forfeit such stock and resell the same at such time and place as they may deem expedient; and all partial payments made on any stock which shall be thus forfeited shall be held for the benefit of the defaulting stockholder, after deducting any unpaid calls and the costs of such sale.

When to commence business. § 11. Said corporation may commence business as soon as twenty thousand dollars shall have been paid in, and the president and directors shall have made oath to the fact of such payment before some judge or justice of the peace.

May receive deposits of gold, silver, &c. § 12. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, and at such times as may be agreed upon with the depositor by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time in writing, in all respects as natural persons may do under the law.

May acquire and hold real estate. § 13. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in

satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution or laws of this State or of the United States.

1876.

§ 14. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

Not a bank of issue.

§ 15. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 16. The president, cashier, and directors shall, on or before January 10th in each year, make out a report, under oath, of the financial condition of said bank for the inspection of its stockholders.

Report—when to be made.

§ 17. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 540.

AN ACT to change the location of a part of the turnpike road between Stanford and Crab Orchard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Board of Internal Improvements for Lincoln county are hereby authorized to change the location and route of the turnpike leading from Stanford to Crab Orchard, for the distance of about one mile; which change of location desired will be from the town limits of Stanford to the house of Franklin Owsley: *Provided*, The president and directors of the Board of Internal Improvements for Lincoln county shall locate the route of the contemplated change on the most practicable ground to avoid, as far as possible, the danger arising from proximity to the railroad.

§ 2. That said president and directors are authorized to receive donations from individuals, towns in their corporate capacity, and from the county court of Lincoln, to assist in making said change.

§ 3. This act shall take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 541.

AN ACT for the benefit of Jonathan Russell, sheriff of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to issue his warrant to Jonathan Russell, sheriff of Casey county, for one hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 542.

AN ACT to amend the charter of the town of New Columbus, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of New Columbus, in Owen county," approved February 23, 1874, be amended as follows:

Trustees—their
powers and du-
ties.

§ 2. That the trustees of said town shall have power over all streets, alleys, and sidewalks in said town, and may direct the improvement of the same in such manner as they deem most beneficial to the interests of said town. They shall have power to levy and collect upon property in said town, and on the citizens thereof, not exceeding twenty-five cents on each one hundred dollars' worth of property, and two dollars on each tithe. They shall have power to tax auction sales, shows, and exhibitions for money such sums as they may fix by their by-laws. They shall have power to prohibit drunkenness, riots, routs, breaches of the peace, profane swearing, unlawful assemblies, and indecent exposure of the persons; and may impose fines and penalties for said offenses, not exceeding the fines and penalties imposed by the general laws of this State for the commission of like offenses, which fines may be recovered before the police judge of said town by warrant, in the name of the trustees of said town. Said trustees shall appoint a clerk and treasurer, and take from them such bonds for the performance of their duties; and suits may be instituted upon such bonds in all courts of

Clerk and treas-
urer to be ap-
pointed.

competent jurisdiction in such manner as suits and motions are instituted against sheriffs and other officers for failure of duty. It shall be the duty of said board of trustees, chairman of said board, and no money shall be drawn from the treasurer of said town, except on written order signed by the chairman, and attested by the secretary, and issued by order of the board of trustees.

1876.

§ 3. That it shall be the duty of the clerk and treasurer to keep a record of all matters pertaining to their said offices; and it shall be the duty of the treasurer to render an account of all moneys received and paid out by him whenever requested to do so by the trustees.

Must keep record

§ 4. There shall be elected for said town a police judge and town marshal; and that all persons residing in the corporate limits of said town, or owners of real estate therein, who have a right to vote for members of the General Assembly of Kentucky, or other State officers, shall have a right to vote for trustees, police judge, and town marshal for said town; that said police judge shall be elected every four years, and said town marshal shall be elected every two. The first election for police judge shall be held on the first Monday in August, 1876; and vacancies in either of said offices shall be filled by election, ten days' notice of which shall be given by the board of trustees by written or printed notices, posted up at three of the most public places in said town.

Police judge and town marshal.

How and when elected.

Vacancy—how filled.

§ 5. That before the police judge enters upon the discharge of the duties of his office, he shall be commissioned by the Governor, which commission shall be issued upon the trustees certifying to the Governor that he has been duly elected to fill said office. He shall also take an oath before some officer authorized to administer oaths similar to that required to be taken by county judges. That said police judge shall have exclusive jurisdiction of all offenses against the by-laws of said town, and shall have concurrent jurisdiction with justices of the peace within the civil district in which said town is situated in all criminal, penal, and civil causes; and he may exercise jurisdiction without the intervention of a jury for all violations of the by-laws of said town where the fine does not exceed ten dollars. He shall enter up judgments, and issue warrants, executions, and other process in the same manner as

Police judge to be commissioned by Governor.

Shall take oath.

His jurisdiction.

His powers.

1876. justices of the peace. He may issue subpoenas for witnesses, and compel their attendance; and may punish contempts by a fine not exceeding five dollars. He shall have power to empanel a jury in like cases with justices of the peace, and shall receive the same fees that justices of the peace are entitled to receive for like services; and shall in the same manner be responsible for issuing illegal fees; and appeals may be taken from his judgments in the same manner that appeals are taken from the judgments of justices of the peace.

§ 6. That all fines and forfeitures cognizable before said police judge for violations of the by-laws of said town shall be paid over to the treasurer thereof for the use and benefit of said town.

Town marshal
—his powers and
duties.

§ 7. That the marshal of said town shall execute all process and precepts directed to him from said police judge or from any court of competent jurisdiction, and make due return thereof; he shall list all property in said town for taxation, and also collect all taxes due said town, and all executions or other demands due said town; he shall be governed by the laws regulating the duties of sheriffs in collecting taxes, and by the laws regulating the duties of constables in collecting all other demands; he shall, for his services, receive the same fees that are allowed to constables for like services, except that in the collection of taxes he shall receive the same fees that are allowed to sheriffs. Said marshal shall have all the

Shall take oath.

powers of a constable of Owen county. Said marshal, before he enters upon the duties of his office, shall take an oath similar to that required to be taken by constables; he shall execute, before the trustees of said town, a bond to the Commonwealth of Kentucky, with sufficient surety to be approved by them, conditioned that he will faithfully and impartially discharge the duties of said office, and will, in proper time, pay over to the treasurer of said town all taxes, fines, forfeitures, and moneys belonging to said town which may come to his hands; he shall also take the office, and execute a bond similar to that required by law to be executed by constables before the county court of Owen county, and on his failure to discharge any of the duties required of him by this act, by any other law, he shall be subject to the same proceedings as may by law be had against sheriffs or constables in like cases.

§ 8. No one shall be eligible to the office of trustee, police judge, or marshal of said town who is not a resident and voter of said town. 1876.
Who eligible.

§ 9. That the police judge of New Columbus may issue a *capias pro fine* to enforce the collection of any fine imposed by his court for any violation of the ordinances, by-laws, and regulations of said town; and the officer executing such writ shall be governed by the general laws in regard to the same; and the jailer of Owen county shall receive from the marshal of said town persons arrested under any writ of *capias pro fine*, and hold such persons in the same manner, and for the same time, as required by the laws in relation to confinement for fines, or he may cause the person against whom a fine is assessed to work upon the streets of said town until he pays both fine and costs, at the rate of two dollars per day. Judge may is-
sue capias, &c.

§ 10. That this act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 543.

AN ACT for the benefit of H. O. Merriman and others.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, dated 14th day of February, 1867, H. O. Merriman and others were authorized and empowered to dam Salt river at Shephordsville, establish a ferry, &c., and were required to execute bond before the erection and completion thereof; and afterwards, to-wit, on the 12th day of April, 1873, by act of this Legislature, the time for all corporations, persons, &c., to execute bond was limited to ninety days; and whereas, doubts exist as to whether said Merriman, &c., can now execute bond as required by the said act of 14th February, 1867; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. O. Merriman, his assigns, vendees, or the owners of said water-power and banks of Salt river and dams at Shephordsville, be, and they are hereby, permitted, at any time within sixty days from the time this act takes effect, before the county court of Bullitt county a bond, to be approved by said court, with security, payable to the Com-

1876. monwealth of Kentucky, conditioned that he will pay all damages that may accrue to individuals occasioned by the erection of the dam named in the act of February 14, 1867, and when executed, shall have all the rights and privileges and franchises granted to them by said act approved 14th February, 1867: *Provided*, The said Merriman shall erect fish-ladders so that fish can ascend the river without hindrance by said dam.

§ 2. This act to take effect and be in force from its passage.

Approved March 8, 1876.

CHAPTER 544.

AN ACT for the benefit of the Independence and Colemansville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Independence and Colemansville Turnpike Road Company shall have authority to hold meetings for the transaction of business at any point on or near the line of said road that may be agreed upon by the said board; and the meetings of the stockholders of said company for the election of officers, and for the transaction of any other business, may be held at any point on or near the line of said road that may be resolved upon by the board of directors, or designated in the call for such meeting.

§ 2. That this act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 547.

AN ACT to amend the charter of the Covington and Taylor Mill Road Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Covington and Taylor Mill Road Turnpike Company be, and the same is hereby, renewed and extended for ten years from and after the passage of this act, with all the rights, powers, and privileges granted in said original charter, and the amendments thereto.

§ 2. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 548.

1876.

AN ACT to amend the charter of the Covington Transfer Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the second section of said act be so amended as to authorize the said Transfer Company to purchase, lease, and hold real estate to the amount of fifty thousand dollars, for the purposes and uses set out in said second section of said original act; and that the third section of said charter be so amended as to authorize and increase the capital stock of said company to the sum of one hundred and fifty thousand dollars, instead of one hundred thousand dollars, as now provided in said charter.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 549.

AN ACT for the benefit of John Boyd, sheriff of Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Boyd, sheriff of Lyon county, be, and is hereby, given the further time of two years in which he may distrain for all unpaid taxes due him as sheriff of said county; and he is also allowed two years' time in which he may distrain for and collect all taxes due him as administrator of I. T. Young, late sheriff of Lyon county.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 550.

AN ACT to incorporate the Kentucky Agricultural Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Milton Dudley, Orson P. Eldred, and C. T. Allen, Corporators.
their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style Name and style.
of the Kentucky Agricultural Company. That the corporate

1876.

Corporate powers.

existence of said company shall continue for the period of fifty years next ensuing the passage of this act. The said company, by the name of the "Kentucky Agricultural Company," may contract and be contracted with, transact business, sue and be sued, plead and be impleaded, in all courts of justice, and do any other lawful act or acts which may be proper and necessary to carry into effect the powers herein granted; and may have a common seal, and change the same.

Object and business.

May acquire and hold real and personal estate.

§ 2. The object and business of said company shall be agricultural, raising and dealing in agricultural products, and rearing and dealing in animals of a domestic nature, and its principal place of business shall be in Caldwell county, in the State of Kentucky; and said company may acquire, hold, and use such real and personal property as may be necessary or convenient to effect the said object, and carry on the said business of said company; and may dispose of, sell, mortgage, and convey such property, or any part thereof.

Capital stock.

When to commence business.

§ 3. The capital stock of said company shall be two hundred thousand dollars, and, with the assent of a majority in value of the stockholders of said company, said capital stock may be increased to five hundred thousand dollars; and said stock shall be in shares of one hundred dollars each. The persons named in the first section hereof, or any or either of them, may receive subscriptions to said capital stock. When two hundred thousand dollars of said stock shall have been subscribed, and the subscribers thereto shall be ready to pay for the same, either one of said persons shall appoint a time, not more than thirty days distant, and a place for the meeting of such stockholders, for the purpose of organizing said company, and give at least twenty days' notice to such stockholders of the time and place of such meeting.

Directors—how and when elected

One vote for each share.

§ 4. The business affairs of said company shall be managed and controlled by a board of directors, composed of not less than three nor more than seven persons, who shall be elected by said stockholders, and the organization of said company shall be effected by the election and qualification of such board of directors. Said company may commence business when two hundred thousand dollars of its capital stock shall have been paid for. In the election of directors, each stockholder shall be entitled to one vote for each share of stock owned by him.

§ 5. The board of directors may prescribe the number of directors within the limits named in section four, the manner, time, and place of electing the same, the manner of filling vacancies in said board of directors; may appoint the officers and agents of said company, and prescribe the duties of each officer and agent, and make by-laws not inconsistent with the laws or Constitution of this Commonwealth or of the United States. Directors regularly elected shall hold their office one year, and until their successors are elected and qualified.

1876.
Directors—their
powers.

§ 6. Either one of the persons named in the first section hereof may hold the first election for directors. The individual property of any of said stockholders shall not be liable for the debts or liabilities of said company. The said capital stock shall be deemed personal property, and the same may be sold by the holder thereof; and the transfer of the same upon the books of said company shall be in the mode prescribed by said board of directors.

Stock personal
property.

§ 7. This act shall be in effect from its passage; and may be modified and repealed by the Legislature.

Approved March 8, 1876.

CHAPTER 551.

AN ACT to incorporate the South Covington Fair and Trotting Park Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. F. Abbott, A. D. Bullock, James B. Casey, B. R. Morton, W. O. Ford, John B. Foster, W. L. Grant, W. E. Ashbrook, and J. L. Sanford, or those of them who shall act, their associates, successors, and assigns, be, and are hereby, created a body-corporate and politic, by the name of the South Covington Fair and Trotting Park Association, with perpetual succession, and full powers to contract and be contracted with, sue and be sued, and to acquire, by purchase, deeds of conveyance, or other lawful mode; and the same to hold, use, and enjoy, any real or personal property, bonds, notes, or obligations which the board of directors may deem advisable in the course of the business of the association; and the same, or any part thereof, to sell, assign, transfer, or otherwise dispose of, and generally to do and perform, for

Corporators.

Name and style.

Corporate
powers.

1876. the well-being of said association, whatever shall lawfully pertain thereto; and may have and use a corporate seal.

Capital stock. Said association shall have a capital stock of not more than one hundred thousand dollars, divided into shares of fifty dollars each.

Directors. The board of directors shall consist of not less than three nor more than nine, as shall be determined by the by-laws that may be ordained from time to time by the board of directors; as also the time, manner, and place of their election.

One vote for each share of stock. Each share of stock shall entitle the holder to one vote, either by himself or proxy, in writing; and the persons having the highest number of votes shall be deemed elected.

President—his duties and compensation. The incorporators in the first section mentioned, their associates, successors, or assigns, shall constitute the first board of directors, and shall organize by electing one of their number president. The president shall be the chief officer of the association, and shall perform such duties, possess such powers, and receive such compensation, as the board may, from time to time, prescribe.

Vacancies—how filled. The board may appoint such other officers as may be deemed advisable, and fill all vacancies occurring in the board, and appoint all such agents and employees as may be desired, and may dispose of the stock from time to time, and reissue such as may be acquired in the course of its business, whether taken for liens, debts, or otherwise.

May borrow money. They may borrow money at any time, at a rate of interest not exceeding ten per cent. per annum, and may execute the notes or bonds of the association, not exceeding the legal rate of interest at the time, and sell or dispose of the same when deemed advisable for the use and benefit of the association; and to secure payment thereof, or of any indebtedness of the association, may mortgage or pledge the whole or any part of their property or income.

May charge admission. The association shall have power and are authorized to impose such rates as it may deem proper for admission to the fair or park, and for the use of the same; and may make such regulations therefor by their by-laws, and for the use and management of the same; may establish rules and regulations necessary for the control of the grounds when used as a fair or trotting course, or for training, which rules and rates they may enforce.

May enact by-laws, &c. They may appoint a police force to keep and enforce order, or require observance of the rules of the association, and to make arrests of all offenders, with or without a war-

rant, and take him or them before the proper authorities, to be dealt with according to law. 1876.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 552.

AN ACT in relation to official sales in the county of Bracken.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all official sales authorized to be made in the county of Bracken by the master commissioner of the Bracken chancery court, or any special commissioner, sheriff, guardian, executor, or administrator, of real estate or personal property, shall, whenever said real estate or personal property shall exceed two hundred dollars in value, be advertised in two consecutive numbers of some newspaper published in said county, if any there be, the cost of said advertisement to be paid by the person authorized to sell such property, out of the proceeds of the sale thereof.

§ 2. That not more than ninety cents per lineal inch of ordinary advertising type for the first insertion, and forty-five cents per lineal inch for the second insertion, shall be paid the publisher of any newspaper in said county for such advertisement.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 553.

AN ACT to incorporate the Phoenix Lyceum, in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. M. Wright, Thomas N. Wright, James Fields, Robert Fields, Thomas Fend, George Fend, and Peyton Benedict, and their associates and successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the "Phoenix Lyceum;" and as such shall have

Corporators.

Name and style.

1876.

Corporate powers.

Common seal.

perpetual succession, may contract and be contracted with, sue and be sued, and acquire and possess real and personal property, not exceeding in value two thousand dollars; and to have and use a common seal, and to alter the same at pleasure; and may act with or without a seal; and to make and enforce such constitution, by-laws, and regulations as may be necessary or proper to carry out the objects and purposes of the association, not incompatible with the Constitution and laws of this State or of the United States.

Object and purposes.

§ 2. The object and purposes of said society shall be to cultivate and improve the minds of its members; to have literary and musical discussions, and an enlightened social intercourse among its members; and to accomplish this end, they shall have full power to acquire and establish a hall or building for that purpose; and to purchase or receive as gifts, to be kept for the use of its members and others, upon such terms as may be prescribed in the constitution or by-laws, books, pamphlets, publications, engravings, pictures, works of art, maps, philosophical apparatus, or other things which the board of directors may direct; and may employ lecturers and cause courses of lectures to be given.

Officers.

§ 3. The number, name, and terms of the officers may be regulated by the constitution and by-laws of the association, which shall regulate its government and general management.

Property exempt from taxation.

§ 4. All property of the association shall be exempt from State, county, municipal, or other taxation. The stockholders shall not be individually liable for the contracts, liabilities, or debts of the association; but the stock, privileges, rights, and properties held and owned by said association, in its corporate capacity, shall be liable for its contracts, debts, and liabilities.

§ 5. The capital stock, property, &c., of said association shall not exceed two thousand dollars.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 554.

1876.

AN ACT to amend the charter of the town of Stanford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Stanford be, and the same is, so amended that the fees of the police judge of said town shall hereafter be the same, for services as judge or clerk, as are now allowed by law to other officers for like services, and taxed as costs in like manner with other courts.

§ 2. That the fees of the marshal of said town shall be the same as are now allowed by law to sheriffs and constables for like services, to be collected by him as constables are authorized to collect their fees; and for other services he shall be entitled to such fees as may be by the by-laws allowed by the board of trustees.

§ 3. That whenever the owners of property in said town shall refuse to make sidewalks and curbing in front of their property, where the same fronts on any of the streets of said town, the trustees of said town may, by ordinance, after due notice, cause the sidewalks or curbing, or repairing of either, done by contract, put out to the lowest and best bidder; and the cost of making said sidewalks, made either with stone, plank, or brick, shall be a debt against the owner of said property, to enforce which the trustees of said town have authority to institute suit or suits in any of the courts of Lincoln county having jurisdiction of the subject-matter of the suit.

§ 4. That when any person or persons shall have been, by judgment of the police court of said town, fined for a violation of any of the by-laws or ordinances of said town, and fails to pay the same, it shall be lawful to issue a *capias pro fine* against the offender, and if not paid, the offender shall be confined in the county jail or work-house at hard labor: *Provided*, The imprisonment shall not exceed one day for each two dollars of such fine.

§ 5. This act to take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 555.

AN ACT to amend an act, entitled "An act to incorporate Confederate City, in Rowan county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the boundary lines of said city shall be extended so as to include the territory inside of the following boundary, to-wit: Beginning at a gate-post, southwest corner of Major J. M. Brain's; thence up the river so as to include the house in which George Phelps now resides; thence across, taking in the dwelling of William P. Wyatt; thence to the Doc. Filson property, so as to include it; thence to Triplette creek; thence down with the creek so as to include the house where John Scott now lives; thence back to the beginning.

Mayor and councilmen.

Who eligible.

§ 2. That hereafter, on the first Monday in August, in 1876, and every two years thereafter, on said first Monday in August, the qualified voters within said boundary shall elect a mayor and five councilmen. No person shall be eligible to hold the office of mayor or councilmen unless he be at least twenty-one years of age, and a bona fide resident of said city; they, and each of them, shall hold their office until their successors are elected and qualified.

Name and style.

Corporate powers.

Common seal.

May levy tax.

Proviso.

§ 3. That said mayor and councilmen, and their successors in office, shall be a body-corporate and politic, and known by the name and style of the Mayor and Council of Licking City; and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of the Commonwealth; and said mayor and council may have a common seal; and shall have all the powers and privileges, and be subject to all the duties and liabilities, as provided by general law for the government of municipal cities; they shall have power to make all by-laws for the regulation and good government of said city not inconsistent with the Constitution and laws of this Commonwealth; they shall have power to levy a tax not exceeding ten cents on each one hundred dollars' worth of property in said town subject to taxation, and not more than one dollar upon each poll within its corporate limits: *Provided*, No labor or taxes is to be expended in making pavements in front of the property of individuals; and all fines and forfeitures for a violation of any of the ordinances or by-laws of said town

shall be paid into the treasury of said town, to be used by said mayor and councilmen for the public good.

1876.

§ 4. That on the same day set apart for the election of a mayor and councilmen for said town, there shall be an election held for the purpose of electing a police judge and town marshal for said city. That said judge shall qualify and give bond, and shall be clothed with all the powers and privileges delegated to such officer, and he shall be governed and controlled by all the laws made binding upon such officer. The marshal of said city shall serve all processes and precepts to him directed from said police judge, or from the county judge or any justice of the peace for Rowan county, and make due return thereof; collect all taxes assessed in said city, and all executions or other demands which may be put in his hands for collection, and in all things be governed by the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands. The said marshal shall be entitled to the same fees for collecting the town taxes that sheriffs are entitled to for collecting the revenue tax, and in all other cases the same fees that are allowed by law to constables; and the said marshal shall have the same powers and rights given by law to constables throughout the county of Rowan. Said marshal shall, before he enters upon the discharge of his duties, execute, before the mayor and council for said town, a bond, with good and unquestioned security, conditioned that he will faithfully and impartially discharge the duties of said office, and in proper time pay over to said mayor and council of said city all taxes, fines, forfeitures, and money belonging to said city which may come to his hands; he will also take the oath of office, and execute a bond similar to that required by law of constables, before the county court of Rowan county; and on his failure to discharge any of the duties required of him by this act, or by any existing law, shall be subject to the same proceedings as may be by law had against sheriffs and constables in similar cases.

Police judge
and town marshal
—when elected.

Police judge
shall give bond.

Marshal—his
duties and pow-
ers.

Compensation.

Shall give bond.

Shall take oath.

§ 5. That the mayor and council of said city may grant a license to a person or persons to keep a tavern or taverns, and to retail spirituous liquors, upon the payment of such sums of money as they may deem proper, not exceeding one hundred dollars, which sums, when paid, go into the treasury

1876. of said city: *Provided, however,* That bond shall be executed in the county court of Rowan, and State taxes paid as now required by law.

Treasurer—how appointed. § 6. Said city mayor and council may appoint a treasurer, who shall be required to execute bond, with good security, for the faithful performance of his duties and requirements in paying out all moneys that may come to his hands under the orders of said city mayor and council.

Shall give bond.

§ 7. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 556.

AN ACT to amend an act, entitled "An act to reduce into one the several acts concerning the town of Lagrange," approved February 25, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act to reduce into one the several acts in relation to the town of Lagrange," approved February 25th, 1869, be amended as follows, viz: That the police judge of said town shall hereafter be elected every two years, instead of one year, as now required, by law.

§ 2. That said judge, in addition to the powers now vested in him, shall have the same jurisdiction in civil cases as is now vested in justices of the peace; and appeals may be taken as from the judgment of a justice; and the time of holding his courts shall be fixed by the county judge once every three months.

§ 3. That his jurisdiction in criminal and penal cases, as now provided by law, shall be extended so as to include all cases when punishment does not exceed a fine of one hundred dollars or fifty days' imprisonment.

§ 4. That whenever any one is convicted before said judge of any infraction on the penal laws of the State or the ordinances and by-laws of said town, and shall fail to pay or replevy said fine at once; it shall be lawful for said judge, if such be the finding of the jury or the judgment of the court, to assign the culprit to be placed at hard labor upon the county roads or streets and alleys of said town, at one dollar per day, until said fine and costs are paid. Said culprit shall be under the charge of the jailer of Oldham county,

Kentucky, as now provided by law of persons convicted of petty larceny. 1876

§ 5. That this act shall take effect on and after its passage.

Approved March 8, 1876.

CHAPTER 557.

AN ACT to change the time of holding the Letcher quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the quarterly courts of Letcher county shall be held on the third Mondays in January, April, July, and October, and continue in session as now required by law.

§ 2. That this act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 558.

AN ACT for the benefit of the deputy clerk of the Magoffin county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the deputy clerk of the Magoffin county court shall have the same powers, and be entitled to the same fees, and have the same right to act as clerk of the quarterly court of said county, as the principal clerk of said county court now has under the laws of this State.

§ 2. This act shall be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 560.

AN ACT to prevent trespass in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act to prevent trespass in Pendleton county," being chapter 458, Acts 1873-'4, and approved February 23, 1874, shall apply to Christian county.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 561.

AN ACT for the benefit of Mrs. E. J. Peers, an adjudged lunatic.

WHEREAS, It is represented to this General Assembly that Mrs. E. J. Peers, a citizen of Lexington, was, in the year 1871, adjudged a lunatic by a court of competent jurisdiction, and confined in the asylum adjacent to Lexington; and whereas, after discharging the said lunatic from the asylum on the 14th of July, 1874, on the ground that no provision had been made for her support, the authorities of said asylum caused legal proceedings to be instituted, and obtained judgments against the estate of said lunatic in the sum of \$392 12, the amount of her board from 1871 until July 14, 1874, and caused the whole of her estate to be sold to liquidate said judgment, and have purchased the same at said sale; and whereas, it is further represented that the said small estate is the sole means of support of the mother, aged 81, of the said lunatic, and the grandchildren of said mother; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said claim of the Commonwealth is hereby released and discharged, and the said lunatic and her heirs are acquitted of all liability by reason of said claim of the State, and said judgment, and the executions issuing thereon.

§ 2. The said estate is hereby vested in the said lunatic, E. J. Peers, and her committee, A. Williamson, as a homestead, and is exempt during her life from all claim and assessment for taxes, either State, county, or municipal.

§ 3. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 562.

AN ACT for the benefit of G. W. Baker, late sheriff of Jackson county.

WHEREAS, G. W. Baker, late sheriff of Jackson county, in his settlement with the Auditor of this State, failed to get a credit for forty dollars and ninety cents delinquent militia tax for the years 1861 and 1862, which amount he paid into the Treasury, as appears from the records in the Auditor's office; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky : 1876.

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of said Baker, for the sum of forty dollars and ninety cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 563.

AN ACT for the benefit of Stephen Gibson, late sheriff of Clay county, giving him further time of six months in which to make out and return his delinquent lists for the years 1872 and 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Stephen Gibson, late sheriff of Clay county, be, and he is hereby, given the further time of six months, from and after the passage of this act, in which to make out and return his delinquent list for the years 1872 and 1873, and when made out shall receive the proper credits therefor.

§ 2. This act shall take effect from its passage.

Approved March 8, 1876.

CHAPTER 564.

AN ACT for the benefit of A. J. Bertram, of Edmonson county.

WHEREAS, William Sanders was a fugitive from justice; and whereas, the Governor of this State made a requisition upon the Governor of Indiana for said fugitive, and A. J. Bertram was made the agent of the Commonwealth; and whereas, said Bertram arrested the aforesaid fugitive in Mitchell, Indiana, and brought him to this State and delivered him to the jailer of Edmonson county; and whereas, the said Bertram, in making the aforesaid arrest, conveying and delivering said fugitive as aforesaid, was put to great trouble as well as considerable expense; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury, in

1876. favor of A. J. Bertram, of Edmonson county, for the sum of eighty-two dollars and thirty cents.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 565.

AN ACT to authorize the jailer of Mason county to appoint an assistant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the jailer of Mason county, by and with the consent of the county court of said county, to appoint an assistant or deputy, to assist said jailer in the performance of his duty.

§ 2. That said assistant or deputy, when he shall have been appointed as provided in the first section of this act, shall have the same power to receive, confine, and release prisoners that the said jailer of said county now has; but before the said assistant or deputy shall enter upon the discharge of his duties he shall execute bond, with security, to the Commonwealth of Kentucky, to be approved by the county court of said county.

§ 3. This act shall take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 566.

AN ACT to authorize Emma P. Barbour to be appointed guardian for George A. Sykes and Eliza Moore Sykes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may and shall be lawful for Emma P. Barbour, wife of Pollock Barbour, of Jefferson county, Kentucky, to be appointed guardian for her two children, named respectively George A. Sykes and Eliza Moore Sykes; and to execute, with good surety, the proper covenant as such guardian, and to qualify and act as such guardian, in the same way and manner as she might if she were unmarried. Such covenant shall be binding upon the said Emma P. Barbour and her surety to the same extent, and in the same way, that it would

be were she unmarried. It shall be lawful for the said Pollock Barbour to become surety in such covenant. 1876.

§ 2. This act shall be in force from its passage.

Approved March 9, 1876.

CHAPTER 567.

AN ACT for the benefit of pauper idiots in Hardin county.

WHEREAS, Mary E. Hoskinson, Elizabeth Hoskinson, Martha E. Richardson, Margaret Brown, Geo. H. Arvin, and John B. Yeager, idiots of Hardin county, were, by proper judgments of the Hardin circuit court, found to be idiots at the May term, 1870, and the terms of said circuit court having been changed to August and February instead of May and November, and there being a period of three months after the finding of the inquest of 1870 and the next inquest in 1875, the law requiring a new inquest every five years, the last inquest not having been had until August, 1875, and the committees of said idiots having provided for their care and support during said three months, from May till August, the date of the last finding, and having received no allowance therefor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to issue his warrants upon the Treasury, in favor of said committees for said idiots, as follows, viz: William Hoskinson, committee for Mary E. Hoskinson, eighteen dollars and seventy-five cents; Wm. Hoskinson, committee for Elizabeth Hoskinson, eighteen dollars and seventy-five cents; Wm. B. Vertrees, committee for Martha Richardson, eighteen dollars and seventy-five cents; W. F. Combs, committee for Margaret Brown, eighteen dollars and seventy-five cents; Edwin Arvin, committee for George H. Arvin, eighteen dollars and seventy-five cents; M. G. Riney, committee for John B. Yeager, eighteen dollars and seventy-five cents, for the support and care of said idiots during the three months aforesaid, between May and August term, 1875, the date of the last inquest, Hardin circuit court, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 9, 1876.

1876.

CHAPTER 568

AN ACT to incorporate the town of Chaplain, Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all acts and amendments touching the town of Chaplain are hereby repealed.

Reincorporated.
Boundary.

§ 2. That the said town of Chaplain is hereby reincorporated, with the following boundary, to-wit: Beginning at (1) a stone, corner to Rose & McMakin, on the old Lexington road; thence north $81\frac{1}{2}$ west 54 poles to (2) a stone near Hobbs' barn lot; thence south 85 west 40 poles to a stone to (3); thence south $1\frac{1}{2}$ east 130 poles to (4) a stone on a point; thence south $79\frac{1}{2}$ east 76 poles to (5) a stone in P. L. McMakin's field; thence north 8 east $110\frac{1}{2}$ poles to (6) a stone at A. McMakin's gate, at the entrance of his avenue; thence with his line north $1\frac{1}{4}$ east 32 poles to the beginning.

Officers—when
elected.

§ 3. That on the first Monday in August an election shall be held for five trustees, a police judge, and town marshal, and on the same day biennially thereafter (except as to police judge, who shall be elected on the same day in every fourth year thereafter).

§ 4. That F. S. Rowlan is hereby appointed temporary police judge, Wm. Milton marshal, Geo. S. Rose, V. B. Stiles, and R. H. Rowland trustees, till their successors shall be elected as herein provided.

Corporate pow-
ers.

§ 5. The trustees created by this act, and their successors in office, are hereby created a body-corporate and politic, under the name and style of the trustees of the town of Chaplain; and under that name they may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth.

Voters—who
qualified.

§ 6. All qualified voters living inside the limits of said town shall be entitled to vote in the election of trustees and all other town officers.

Trustees.
Term of office.

§ 7. That the trustees shall continue in office for two years, and until their successors are qualified, and shall take an oath to faithfully discharge all the duties pertaining to their office.

Their powers.

§ 8. The said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct and order the improvement of the same, as they may deem best for the interest of said town; they shall have power to levy and collect a poll-tax on each voter of said town not exceeding one

dollar, and an ad valorem tax on the property of said town not exceeding twenty-five cents on the one hundred dollars in any one year; they shall have power to collect all auction sales, shows and exhibitions for money or profits, such as they may deem just, or as may be provided in their by-laws; they shall have power to declare what are nuisances, and to remove the same; and to pass all by-laws and ordinances necessary to give effect to all the powers herein granted.

1876.

§ 9. That trustees shall appoint a clerk and treasurer, and by ordinance define their duties, and require the treasurer to give bond for the performance of his duties.

Clerk and treasurer—their duties

§ 10. All taxes levied and collected by said trustees, and all fines and forfeitures for the violation of by-laws and ordinances of said town, shall be paid to the treasurer for the benefit of said town.

Taxes and fines to be paid into city treasury.

§ 11. No money shall be drawn from the treasury, except by order of the chairman of the board of trustees, in pursuance of their orders of said board.

§ 12. The trustees may annually appoint an assessor to take a list of all the taxable property in said town.

Assessor.

§ 13. The police judge, when elected and commissioned by the Governor, shall hold his office for two years, and until his successor is elected and qualified. Said police judge shall, by virtue of his office, be a conservator of the peace, and before he enters upon the discharge of his duties, take an oath, before the county judge of Nelson county, to faithfully and impartially execute all the duties of police judge of said town; and shall take such other oaths as are required of justices of the peace. The police judge shall have concurrent jurisdiction with the justices of the peace in Nelson county, and be entitled to the same fees. Police judge shall have jurisdiction within the limits of said town of all infractions of the by-laws and ordinances of said town; he shall also have power to fine for contempt, not exceeding five dollars, and imprison not exceeding six hours. A vacancy in the office of police judge shall be filled by the trustees of said town, the appointee to hold office until the succeeding regular election.

Police judge—how elected.

Term of office.

§ 14. The town marshal, when elected, shall hold his office for two years, and until his successor is qualified, and before entering upon this office, take the same oaths required of

Town marshal—his duties.

1876.

constables of Nelson county, and in the county court of Nelson county execute bond, with good security, the same as required of constables, with the further covenant that he will perform all the duties of marshal of said town according to law. The marshal shall have concurrent jurisdiction with constables in Nelson county, and be entitled to the same fees for his services. It shall be the especial duty of said marshal to execute all process issued for an alleged violation of the by-laws and ordinances of said town, and to promptly collect all taxes, fines, and forfeitures, and pay the same to the treasurer of said town.

§ 15. The trustees are empowered to pass such by-laws and ordinances, which do not contravene any law of this Commonwealth, as may be necessary for the good government and well-being of said town; and to fill any vacancy in any office created by this act.

§ 16. This act to take effect from its passage.

Approved March 9, 1876.

CHAPTER 569.

AN ACT directing and authorizing the clerk of the Daviess circuit court to docket common law causes, and criminal and penal cases pending, or which shall hereafter be pending, in the Daviess circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be lawful for, and the clerk of the Daviess circuit court is hereby directed and authorized to place first on the docket of said court the common law causes pending, or which may hereafter be pending, in the Daviess circuit court, in the succession in which they have been, or hereafter may be, filed in his office; after which he shall in like manner place on the docket of said court the criminal and penal cases pending, or which may hereafter be pending, in said court, in the succession in which they have been, or hereafter may be, filed in his office.

§ 2. Nothing in this act shall be so construed as to preclude the judge of the Daviess circuit court from assigning for trial any criminal or penal prosecution when in his discretion such assignment for trial is right and proper.

§ 3. This act shall expire at the termination of the June term, 1876, of the Daviess circuit court. 1876.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1876.

CHAPTER 570.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company.

WHEREAS, The General Assembly of the State of Tennessee, on the 20th of March, 1875, passed an act, entitled "An act declaring the mode and manner of valuing the property of a railroad company for taxation," approved March 24th, 1875, the eleventh section of which is as follows:

"*Be it further enacted*, That each and every railroad company which will accept as a special amendment to its charter, for a period of ten years from the first day of January, 1875, and that will pay annually to the Treasurer of the State one and one half per cent. on the gross receipts, from all sources, of such company, shall be exempt from the provisions of the foregoing sections of this act, and the payment of said one and one half per cent. upon all gross earnings of such road shall be in full of all taxation: the return of such gross receipts by said company to be made under oath by the president, superintendent, and treasurer, to the Treasurer of the State, on the 10th day of January of each and every year, for the calendar year preceding; the first return and payment to be made on the 10th day of January, 1876, for the preceding year, and so for each succeeding year. If any railroad company, accepting the provisions of this section, fails to make the return, and pay in the tax in this section provided for, by the 15th day of January of each year, it shall be the duty of the Governor, Comptroller, and Treasurer to demand the books or papers, or both, of such company necessary to make up such estimate, and when so made up by them, shall be the amount of gross earnings for which such road shall be liable to pay on; and the treasurer is hereby authorized to collect the tax thereon herein provided for as other collectors of taxes in the State are authorized by law to do, together with a penalty of ten per cent. additional for failing to make the

1876. return or payment, or for a false return, as provided for. Such railroads as do not accept the provisions of this section shall be taxed as provided for in the foregoing sections of this act: *Provided*, That the charters of all railroad companies accepting the provisions of this section shall be hereby so amended that, after the expiration of said ten years, no exemptions of any property of said railroad company shall exist, but be placed upon the same footing as the property of other corporations or individuals. The charters of all railroad companies accepting the provisions of this section are hereby so amended that, after the lapse of the ten years aforesaid, every provision contained in the provisions of the charter of said companies exempting their property from taxation is hereby declared null and void, in as full and ample a manner as if the same was specially set forth in their respective charters."

AND WHEREAS, The board of directors of the Louisville and Nashville Railroad Company, on the 5th day of January, 1876, passed the following preamble and resolution:

" WHEREAS, Forty-five and forty-two one hundredths miles of the main stem of the Louisville and Nashville Railroad lies in the State of Tennessee, being a line of the railroad from the State line of Kentucky and Tennessee to Nashville, and this company is the owner of a line of railroad from the State line at Guthrie to Memphis, in the State of Tennessee, and it holds, by lease for thirty years from the 4th of May, 1871, a line of railroad from Nashville to the Alabama State line, a distance of (94 6-10) ninety-four and six tenths miles, being a part of the Nashville and Decatur Railroad, and it is claimed by this company that the last named lines of railroads, with all their fixtures and appurtenances, including workshops, warehouses, and vehicles of transportation, are exempt from taxation for several years yet to come; and whereas, the Legislature of the State of Tennessee passed an act, entitled 'An act declaring the mode and manner of valuing the property of a railroad company for taxation,' approved March 24th, 1875, by the eleventh section of which it is provided, among other things, that each and every railroad company which will accept, as a special amendment to its charter for a period of ten years from the first day of January, 1875, and that will pay annually to the Treasurer of the State one and one half per cent. on the gross receipts from

all sources of such company, shall be exempt from the other sections of said act, and that the payment of the one and one half per cent. upon all gross earnings of such road shall be in full of all taxation; therefore, be it

Resolved, That the said eleventh section of said act, as to the taxation of said railroad lines, is hereby accepted by this company as a special amendment to its charter for a period of ten years from the first day of January, 1875; and it agrees to pay annually to the Treasurer of said State one and one half per cent. on the gross receipts from all sources made or realized by this company on said lines of railroad as provided in said section: the said payment of one and half per cent. of said gross earnings, as aforesaid, are to exempt this company from the provisions of sections one to section ten, inclusive, of said act, and to be in full of all taxation on said property, rights, and privileges in said State for the said period of ten years; and after the expiration of ten years, no exemption of any property of this company lying in said State of Tennessee shall exist, but the said property shall be placed upon the same footing as the property of other corporations or individuals."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said action of said board of directors be hereby ratified, and that the charter of said company be so amended as to make said section, as accepted by them, a part thereof.

§ 2. That this act shall take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 571.

AN ACT to amend the charter of the town of Hustonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Hustonville be, and the same is hereby, so amended as to allow the marshal of said town two dollars for arresting, and the police judge of said town is allowed two dollars for the trial, of offenders against the ordinances of said town, both to be paid only when conviction follows the arrest and trial; said sums are to be taxed as costs of said trial.

1876. § 2. That the police judge for said town shall hereafter be elected at the same time the county judges are elected, and for the same term; and the marshal of said town shall be elected at the same time sheriffs are elected, and for the term.

§ 3. In all trials before the police judge of said town, when a jury is allowed by law, it shall be competent for six jurymen to hear and determine all such cases.

§ 4. This act shall be in force from its passage.

Approved March 9, 1876.

CHAPTER 573.

AN ACT to amend an act, entitled "An act to incorporate the town of Fulton, in Fulton county," approved February 8th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of said town shall have power to impose a tax of not exceeding two hundred dollars upon all coffee-house keepers in said town, and a like tax upon each tavern-keeper who retails spirituous, vinous, or malt liquors; and said keepers of coffee-houses and taverns shall be liable to a fine of double the amount of tax imposed for each day they may sell said liquors without having paid said tax, recoverable by warrant before the police judge of said town, for the use and benefit of said town.

§ 2. That the said trustees shall have power to pay the marshal of said town an annual salary of not exceeding two hundred dollars, in addition to his fees.

§ 3. That the corporate limits of said town be so extended as to comprise all the territory comprised within the following limits: Beginning at the mouth of Church street in the State line; thence east to the southwest corner of Noel Norman's yard; thence north one half mile; thence west three fourths of a mile; thence south to the State line; thence east with the State line to the beginning.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1876.

CHAPTER 574.

1876.

AN ACT to amend, revise, and extend an act, entitled "An act to incorporate the city of Mayfield," approved March 25, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the legislative powers of the city of Mayfield shall be vested in a board of six councilmen, selected three from the first and three from the second ward, by the legal voters respectively living in said wards, which shall be styled the common council of the city of Mayfield.

Common council—how formed.

§ 2. The common council shall by ordinance have the power to allow and fix the compensation of members of the common council for their attendance at their meetings, whether regular or called by the board, but such compensation shall not exceed two dollars for each member for each meeting. They shall be exempt from serving on juries of all kinds, and from military duty during the time of service.

Compensation.

§ 3. A majority of the members of common council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in manner and under such penalties as may be prescribed by ordinance.

Quorum.

§ 4. The common council shall have power within the city limits, in addition to the other powers granted by this act, to levy and collect taxes at the rate of not exceeding fifty cents on each one hundred dollars' worth of property, upon all the property within the city made taxable by law for State purposes.

May levy and collect taxes.

§ 5. Said council shall have power to prevent, abate, and remove physical nuisances at the cost and expense of the owners or occupants, or of parties upon whose grounds they exist, and define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish any person by fine for keeping, causing, erecting, or committing a nuisance, either physical or moral.

May remove nuisances.

§ 6. To open, receive, alter, widen, extend, grade, pave, gravel, or otherwise improve streets and alleys in a manner hereinafter provided, and to drain the streets and public places, and to condemn land for draining purposes, in the same manner and under the proceedings required in condemning lands for opening, widening, or extending streets.

May improve streets, &c.

1876.

May erect and
keep in repair
sewers, &c.

§ 7. To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to erect dams and cover them over when the interest of the public requires it.

May establish
police, &c.

§ 8. To establish, support, and regulate policemen, night-watches, and patrols, and prescribe their duties and compensation.

May establish
market-houses.

§ 9. To erect market-houses, and to establish market-places, and provide for the government and regulation thereof; and they may rent market-house stalls under such regulations and such sums as they may deem proper.

May grant li-
censes.

§ 10. To license, tax, and regulate auctioneers, grocery merchants, retailers, taverns, coffee houses, gift-stores, peddlers, brokers, pawnbrokers, money-changers, tobacco factors, public hall lectures, concerts, and other places of amusement.

§ 11. To license, tax, and regulate hacks, carriages, coaches, omnibuses, carts, drays, wagons, and other vehicles.

§ 12. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements, circuses, menageries, and museums

§ 13. To license, regulate, and tax, restrain, and prohibit billiard tables, tippling-houses, bowling saloons, and ten-pin alleys; to pass ordinance of inflicting fine upon drunkenness, for keeping gaming-house, or disorderly houses of any kind. Said council have the power to license, tax, and regulate livery stables, exchange offices, telegraph offices, insurance offices, or their agents, lottery offices, or the agents thereof, express offices, or agents for same, real estate agents, or offices for the purchase and sale of real estate, public boarding-houses for entertaining transient guests, or other houses of public resort or entertainment, all houses or establishments wherein malt, spirituous, or vinous or fermented liquors, for which licenses said council may hereafter fix by ordinance.

May erect
work-house.

§ 14. To erect a work-house, poor-house, and house of correction, and provide for regulation and government thereof.

May regulate
compensation.

§ 15. To provide for all officers of the city, servants and agents of said city, and fix compensation and fees for their services; to regulate the pay of all fees of all juries, witnesses, and others, or services rendered under this act or any ordinance.

§ 16. To make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Mayfield, and preservation of the property of the city, and the trade and commerce and manufactures thereof, as the common council may deem expedient, necessary, or proper, not repugnant to nor in conflict with the Constitution of this State or of the United States, and to enforce observance thereof by inflicting such fines and penalties for the violation thereof, not exceeding one hundred dollars for any one offense; and to make all ordinances which may be necessary for carrying into effect the powers vested by this act in said corporation, the city government, or any department of office thereof; but no ordinance that may be passed by said council shall relate to more than one subject, and that shall be expressed in the title.

1876.

May make by-laws, &c.

§ 17. The council shall have power to define by ordinance what shall constitute vagrancy, and the punishment thereof.

§ 18. The council shall have power and authority to pass ordinances to procure the improvement, by grading or otherwise temporarily improving, any street or streets now established or hereafter to be established within the limits of said city, and pay the cost of same out of the city treasury: *Provided*, Such improvement is deemed by the council to be of general interest and importance to the city at large.

May improve streets.

§ 19. The judicial powers of the corporation shall be vested in and exercised by a court, to be styled the "Mayfield City Court," which shall be held by a single judge, to be styled the Judge of the Mayfield City Court, who shall be elected by the qualified voters of the city on the first Monday in April, and hold his office for two years, and until his successor shall be duly elected and qualified, and who shall take the same oath that circuit judges are required to take.

City judge.

How elected.

Term of office.

§ 20. If, from any cause, the judge of the Mayfield city court cannot properly preside in a cause pending in such court, the attorneys of the court who are present shall elect some member of the bar then in attendance, to possess the same qualification prescribed by this act to the regular judge, to hold the court for the occasion, who shall take the same oath prescribed for the regular judge by this act; the election shall be held by the clerk of the council, and in case of a tie, shall give the casting vote.

Judge pro tem.—how elected.

1876.

Who eligible.

§ 21. No person shall be eligible to the office of judge of the Mayfield city court, unless he be a citizen of the city, at least twenty five years of age, and has been a licensed practicing lawyer for at least five years next preceding his election, and who has resided within the limits of said city one year next preceding his election.

Jurisdiction of
city court.

§ 22. The Mayfield city court shall have exclusive original jurisdiction in all proceedings for violations of the ordinances of said city, and concurrent jurisdiction with the circuit court of Graves county of all violations of the penal laws of the Commonwealth arising within the limits of the city of Mayfield, except in cases of felony; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable by said court, and recognizance for good behavior and to keep the peace, the same that the circuit court has, and like power to take the same as forfeited, and pronounce judgment thereon, and have power of two justices of the peace as an examining court.

§ 23. The court shall have jurisdiction of all cases of vagrancy arising within the city limits.

§ 24. The judge of the city court shall be a conservator of the public peace, and may by warrant order arrest for all offenses against the laws of the State or ordinances of the city, and for those committed in his presence, order arrests without warrant, the person offending to be dealt with in accordance with the laws of the State and the ordinances of the city.

Where court is
to be held

§ 25. The city court shall be holden at such places within the city as the council shall designate, or they failing to designate or provide a suitable place, at such place as the judge may select; the judge shall have the power to fix the time of holding court, as, in his discretion, the business before him may seem to require.

Court of record.

§ 26. The Mayfield city court shall be a court of record, and have a seal, which shall be provided by the council, and shall be and remain in the custody of the judge of said court, to be used and affixed by him as the seals of the circuit court are; and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth.

Style of pro-
ceedings.

§ 27. That in all proceedings in, and process from, the city court, when the fines are imposed under the laws of Ken-

tucky, shall be in the name of the Commonwealth of Kentucky; and when the fines and penalties are imposed under the ordinances of the city, proceedings and process shall be in the name of the city of Mayfield; the process shall be made returnable to the city court, and may be directed to any sheriff, coroner, marshal, jailer, constable, or policeman in this State; and the person executing the process of said court shall be entitled to same fees for like services, and to same remedies for collection thereof, as the sheriff of Graves county, and shall be subject to the like fines and penalties for like offenses and failure of duty, recoverable in the same manner.

1876.

§ 28. All fines and forfeitures recovered in the city court, in the name or favor of the Commonwealth of Kentucky, or in the name of the city of Mayfield, are hereby granted to the city of Mayfield.

Fines and forfeitures to go to city.

§ 29. All fines and forfeitures recovered in the city court shall be collected by the city marshal, or other officer to whom execution or *capias pro fine* is directed, and to be paid over by him to the city treasurer; but before the issual of the execution, or other final process, the defendant may pay the fine or forfeiture to the marshal of the city, who shall pay it to the treasurer as aforesaid.

How collected.

§ 30. The defendant shall have the right at any time to replevy for three months any judgment, fine, or forfeiture of the city court or writ of execution, or other final process therefrom, by giving bond, with good security, in the same manner allowed by law in similar cases in favor of the Commonwealth.

Right of replevy

§ 31. A return of "not found" on a *capias pro fine*, and of "no property found" on a writ of *feri facias*, issued on any judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth or the city of Mayfield, against the choses in action or effects of the defendant or defendants, in the same manner that a return of no property found authorizes an attachment in equity on judgments in the circuit court.

Attachments—
how authorized.

§ 32. Upon all judgments of fines rendered by the city court, whether in favor of the Commonwealth or of the city of Mayfield, it shall be lawful for the prosecuting attorney of the city court to cause a *fi. fa.* to be issued, to be levied on the estate of the defendant, or to take a *capias pro fine* requir-

Fines may be
worked out.

1876.

ing the imprisonment of the defendant in the county jail, or confined at work upon the streets, until the fine and costs have been paid; but the person so imprisoned or confined shall have the right, if he likes to do so, to discharge, by labor in the streets or public works of the city, at the rate of one dollar per day; and after agreeing so to do, every such person shall be bound to conform to the rules or regulations for working on the street as regards labor or discipline, unless, after having made such election, he replevy or pay the judgment, or such part thereof as remains unpaid.

Appeal may be taken.

§ 33. Appeals shall lie from the decision and judgment of the city court of Mayfield to the Court of Appeals of Kentucky in all cases when the fine exceeds fifty dollars, or imprisonment exceeds twenty-five days, in like manner that appeals lie from the judgment of the circuit court. In all other cases where appeals are allowed, the appeal shall be to the Graves circuit court.

Court shall hold monthly term.

§ 34. The Mayfield city court, so far as it is a police court or court of inquiry, shall always be open for the hearing and determining such cases as by the Constitution and laws of this State may be heard and determined without the intervention of a grand jury; and for the trial of all cases that require an indictment by the grand jury, under the Constitution and laws of this Commonwealth, there shall be a monthly term of the Mayfield city court, to be held on the first Monday in every month, and continue as many days as the business may require.

Grand jury may be had.

§ 35. Said court shall have power and authority to cause a grand jury to be empaneled and sworn at any monthly term of said court, whenever business may require it, or render it proper, and petit juries be summoned whenever necessary. The criminal code of the Commonwealth, so far as applicable and not in conflict with this act, shall govern and regulate proceedings in said court.

Power of city judge.

§ 36. The judge of said court shall have power to grant injunctions and attachments the same as county judges of the Commonwealth, and shall be entitled to a fee of one dollar to every injunction and attachment granted by him. It is further enacted, that there shall be taxed as cost to the city the sum of one dollar against every defendant in any penal prosecution in Mayfield city court who may be found

guilty and fined in said court under any city ordinance or law of this Commonwealth, which shall be in addition to the other cost of such prosecution to the officers of the court.

1876.

§ 37. The judge of the Mayfield city court shall receive a salary of not more than five hundred dollars per annum for his services, to be affixed by the common council, to be paid quarterly out of the city treasury; and when fixed, said salary shall not be diminished during his term of office; said salary shall be fixed by the common council at least one month before election of such judge, every two years.

Compensation.

§ 38. The judge of the Mayfield city court shall have concurrent jurisdiction with the justices of the peace of the county for the trial of all civil causes, and shall try all civil business that comes before him at his regular monthly sessions or terms.

Concurrent jurisdiction.

§ 39. The judge of the Mayfield city court shall act as clerk of the Mayfield city court, and it shall be his duty to keep a record of all proceedings of said court in both civil and criminal causes; to issue all original processes for bringing parties before said court, and executions and precepts on its judgments; and to perform all duties which generally pertain to a clerk of a court of the Commonwealth; and shall keep the papers and records of said court, and shall charge and receive the same fees which are allowed by law to the clerk of Graves circuit court for like services.

Shall act as clerk and keep record.

§ 40. There shall be elected by the qualified voters of said city, at the times and places provided for the regular election of city judge, one city prosecuting attorney, who shall hold his office for the term of two years, and until his successor is duly elected and qualified; and he shall receive a salary of not more than two hundred dollars, to be paid quarterly out of the city treasury; and shall also be entitled to have and receive the same fees and perquisites allowed attorneys of this Commonwealth for similar services.

City attorney —when elected.

§ 41. It shall be the duty of the prosecuting attorney to prosecute before the city court all cases for violation of the laws of the State or ordinances of the city, of a criminal and penal nature, of which said court has jurisdiction, and to prosecute all officers for malfeasance or misfeasance in office, or willful neglect of duty, and to perform other duties as may be prescribed by ordinance.

His duties.

1876.

Who eligible.

§ 42. No person shall be eligible to the office of prosecuting attorney, who is not at the time of his election a citizen of the city, twenty-four years of age, and a bona fide resident of the city for at least one year next preceding his election, nor unless he shall have been a licensed practicing lawyer for more than two years next preceding his election; and if, after his election, he shall remove from the city or do any act which would have rendered him ineligible to such office, he shall thereby vacate the same.

Malfeasance in
office—how pun-
ishable.

§ 43. For any malfeasance or misfeasance in office, or any willful omission or neglect of duty, the city prosecuting attorney shall be subject to indictment, and fined for each and every offense not less than twenty-five dollars nor more than one hundred dollars, and, upon conviction thereof, his office shall be vacant, the vacancy to be filled as other vacancies in electing officers.

City marshal—
when elected.

§ 44. There shall be elected by the qualified voters of said city, at the same time as city judge and prosecuting attorney are elected, a marshal, who shall hold his office for the term of two years, and until his successor is duly elected and qualified.

Who eligible.

§ 45. No person shall be eligible to the office of marshal who is not at the time of his election a citizen of Mayfield and a bona fide resident of said city for at least one year preceding his election, nor until he has had settlement with said city, and obtained a proper receipt or quietus; and if, after his election, he shall move from said city or do any act which would have made him ineligible to such office, he shall thereby vacate his office.

His duties.

§ 46. It shall be the duty of the city marshal to attend all meetings of the common council, when required by them to do so, and to attend all sessions of the city court. He shall, within the limits of the city, in all matters of a criminal nature arising under the ordinances of the city, or under the laws of this Commonwealth, possess the same power and perform the same duties as a sheriff and constable. He shall execute all the processes, civil or criminal, issued and to him directed by the common council, the city judge, the presiding judge of the Graves county court, or any justice of the peace. He shall collect all executions and final process to him directed by any of the officers above named, and pay over all

moneys collected by him to the parties entitled to the same, in the same manner, and under the same responsibilities and penalties, as sheriffs are by law authorized and required to do. His powers for discharging his official duties shall be coextensive with Graves county.

1876.

§ 47. He shall be entitled as compensation to the same fees allowed by law to sheriffs for similar services, the collection of which may be enforced as provided by law for the collection of sheriffs' fee-bills, and for other services he shall receive such fees and compensation as may be prescribed by ordinances; he may also be allowed by the common council, to be paid quarterly out of the city treasury, a salary not exceeding four hundred dollars. Compensation.

§ 48. He shall, before entering upon the duties of his office, execute bond or covenant to the city of Mayfield, with good and sufficient security, to be approved by the common council, conditioned that he shall, by himself and deputies, well and truly discharge all the duties of said office, and to pay over to such persons, and at such times as they may respectively be entitled to the same, all money that may come to his or their hands as marshal or deputy marshal, and the city shall have a lien on all property, real and personal, subject to execution, belonging to said marshal at the date of his bond as marshal, or that may be afterwards acquired by him, which shall not be discharged until the marshal shall obtain a quietus for all the public dues for which he may be bound; when called upon by the common council so to do, shall execute a new bond as such marshal, or give such additional security as said council may require. Shall execute bond.

§ 49. Any person injured by a breach of the marshal's bond may, in any court having jurisdiction, prosecute suit or motion thereon against the marshal and securities as now provided by law for sheriffs, and the bond shall not be satisfied or void upon the first or any other recovery until every person aggrieved by the acts or omissions of the marshal, or his deputies, shall have been recompensed.

§ 50. The marshal may, by and with the approval of the common council, appoint his own deputies, and may revoke the appointments at pleasure, and shall be responsible on his official bond for their acts. Before any deputy marshal shall proceed to act, he shall take the oath required to be taken by May appoint deputies.

1876. the marshal; said marshal, for any malfeasance or misfeasance in office, shall be subject to a fine of not less than ten or more than twenty five dollars.

Tax collector—
how appointed.

His duty.

§ 51. The common council shall have the power, and it is hereby made their duty, to appoint, at their first regular meeting in May in each year, who shall hold his office for one year, and until his successor is duly elected and qualified, a collector of all taxes levied or to be levied upon taxable property in the city of Mayfield, and all other taxes for each and every year, at such time as the council shall prescribe by ordinance, whose duty it shall be to well and truly and faithfully collect and account for, to the city of Mayfield, all said taxes, and shall hold his office until his successor is duly elected and qualified.

§ 52. That it shall be the duty of said collector, within thirty days after his appointment, to execute a bond or covenant to the city of Mayfield, with good and sufficient security, to be approved by the common council, conditioned that he shall, during the next twelve months, collect and account for and pay into the city treasury all taxes and public dues directed or authorized by law to be collected and received by him; and that he shall, at such times as he may be required by the common council, report his actings and doings as collector, and account for and pay into the city treasury such sums as may be in his hands, at such times as the council may prescribe by ordinance or order him to do, and for which he may be bound; and that he will, when required, make settlement with the council; and that he shall faithfully perform all the duties of the office of collector; and the city shall have a lien on all property, real and personal, subject to execution, belonging to said collector at the date of said bond, or afterwards acquired by him, which shall not be discharged until the collector obtains a quietus for all the revenue and public dues for which he may be bound; and said collector shall give a new bond as such officer, or additional security upon his old one, at any time when required by the common council so to do.

§ 53. That in all cases when the collector shall levy on real estate, it shall be his duty to evidence his levy by writing, which, in each case, he shall make out upon a separate paper, and shall state therein, to the effect following: By virtue of the collector's tax-book for the ———, placed in my hands for

collection by the common council of Mayfield, I have this day levied upon the following described real estate (herein give a description of the property) as the property of A B, to satisfy the unpaid taxes of the said A B for the year —, in favor of the city of Mayfield, and the costs of selling the same. It shall be the duty of the collector to notify the owner of the real estate levied upon, if residing in Mayfield, if not, then to deliver a copy of the levy to the person, if any, in possession of the property; if there be no one in possession of the property, then to post a copy of his levy; it shall be the further duty of the collector, after selling real estate for taxes, to return, upon the same paper upon which his levy is written, a description of the real estate sold, the time and place of sale, that he first advertised the same according to law, also the name of purchaser, and the amount paid by him for the property sold; all of which levy and return of the collector shall be by him returned to the clerk's office of the common council of Mayfield, which shall be by said clerk recorded in a book kept for the purpose by him; and the original return of the collector shall be filed and preserved in his office, and a copy from said record-book, certified by the clerk as a "copy at-test," shall be evidence in all courts.

§ 54. That the person whose real estate may be sold as aforesaid, his heirs or representatives, may, at any time within one year from day of sale, redeem the same by paying or tendering—in case acceptance of payment is refused to the purchaser or his representative—the full amount for which the property was sold, with twenty per cent. interest per annum thereon until paid or tendered; that in case the purchaser refuse to accept payment thereon, or in case the purchaser be a non-resident of Mayfield, the owner may deposit the amount, and interest, with the clerk of the common council within the year from the day of sale, and take the clerk's receipt therefor, which shall operate as a redemption of the property sold; but if the property purchased shall not be redeemed as aforesaid within a year from the day of sale, then at the end of the year the purchaser shall be entitled to a deed for the property; and it shall be the duty of the collector who made the sale, or his successor in office, to execute and acknowledge before the Graves county court clerk a deed of conveyance to the purchaser, which shall pass all the title, legal or equitable, of the original owner to the purchaser.

1876.

Clerk—how
appointed.

§ 55. At the first regular meeting after every general election of councilmen, the common council shall appoint a clerk, who shall be styled the Clerk of the Common Council of Mayfield, and who shall hold his office for one year, and until his successor shall be duly appointed and qualified.

Shall keep rec-
ord.

§ 56. It shall be the duty of the clerk of the common council to keep a fair and correct record, in such books as may be designated by order of the common council, of all the proceedings, ordinances, and resolutions of the common council; keep and preserve in his office the seal of the city, records and papers of the city not properly belonging to any other office; to prepare papers and copies from his office and records thereof for publication; to make out a poll-book for each ward in the city before the day of each election in such wards. He shall prepare and make ready for the signature of the judge all orders on the treasury, and countersign the same; make out all licenses, all copies of the records and papers in or appertaining to his office, upon the request of the persons entitled to the same; and to perform all other duties required of him by order or ordinance of the council and this charter.

(Officers to take
oath.

§ 57. All officers of the city of Mayfield, either elected or appointed, shall, before they enter upon the execution of the duties of their respective offices, in addition to the oath required by the Constitution of the Commonwealth, take in substance the following oath or affirmation: I do solemnly swear or affirm that I will faithfully perform all the duties of the office of _____ of the city of Mayfield according to law.

§ 58. *Be it enacted*, That in addition to any taxes which may be collectable under the charter of Mayfield and amendments thereto for city purposes, that each male citizen of said city, over eighteen and under fifty years of age, shall be assigned to work on some street in said city. That each and every person so assigned to work on any of said streets, who shall fail to attend with the proper implements, after legal notification by the surveyor of his precinct or street, or who shall fail to labor when in attendance, shall be fined two dollars and fifty cents for each and every day he shall so fail to attend or attend and refuse to labor, to be recovered by warrant, in the name of the Commonwealth of Kentucky, returnable before the city judge of Mayfield.

Approved March 9, 1876.

CHAPTER 575.

1876.

AN ACT for the benefit of the president, directors, and company of the Bank of Kentucky.

WHEREAS, It is represented to this General Assembly that the following coupons of interest, or dividend warrants for interest, on bonds of the State of Kentucky, to-wit: \$30 coupon for interest due July 1st, 1863, on bond No. 46, for \$1,000, dated November 4th, 1840, due November 4th, 1870; \$30 coupon for interest due July 1st, 1863, on bond No. 47, for \$1,000, dated January 1st, 1840, due January 1st, 1870; \$30 coupon for interest due July 1st, 1863, on bond No. 280, for \$1,000, dated November 4th, 1840, due November 4th, 1870; \$30 coupon for interest due July 1st, 1863, on bond No. 394, for \$1,000, dated July 1st, 1838, due July 1st, 1870; \$30 coupon for interest due July 1st, 1863, on bond No. 787, for \$1,000, dated August 5th, 1841, due August 5th, 1871; \$30 coupon for interest due July 1st, 1863, on bond No. 972, for \$1,000, dated January 3d, 1842, due January 3d, 1872; \$30 coupon for interest due July 1st, 1868, on bond No. 47, for \$1,000, dated January 1st, 1840, due January 1st, 1870; \$30 coupon for interest due July 1st, 1868, on bond No. 437, for \$1,000, dated April 16th, 1841, due April 16th, 1871; \$30 coupon for interest due July 1st, 1868, on bond No. 755, for \$1,000, dated August 3d, 1841, due August 3d, 1871; \$30 coupon for interest due July 1st, 1868, on bond No. 849, for \$1,000, dated October 1st, 1841, due October 1st, 1871; \$30 coupon for interest due July 1st, 1868, on bond No. 1285, for \$1,000, dated September 23d, 1842, due September 23d, 1872; and \$30 coupon for interest due July 1st, 1868, on bond No. 1868, for \$1,000, dated January 1st, 1844, due January 1st, 1874, have been lost, and that said bonds to which said coupons were attached have long since been paid off and canceled, but that none of said twelve coupons have been paid, but are still due and owing by the State; that said twelve coupons were, at the time they were lost, the property of the president, directors, and company of the Bank of Kentucky; now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That upon the execution of a bond to the Commissioners of the Sinking Fund by the said president, directors, and company of the Bank of Kentucky, with one or more

1876. residents and citizens of the State of Kentucky as sureties, to be approved by the Commissioners of the Sinking Fund, conditioned to save harmless and indemnify the State of Kentucky all loss or payment on account of the coupons of interest or dividend warrants aforesaid, the said Commissioners are hereby authorized and directed to pay to the said president, directors, and company of the Bank of Kentucky the sum of three hundred and sixty dollars, in full satisfaction of said twelve coupons.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 576.

AN ACT to amend the charter of the town of Stephensport, in Breckinridge county.

§ 1. That the citizens within the corporate limits of the town of Stephensport, in Breckinridge county, are hereby authorized to elect some suitable person within said town, who shall be styled police judge of said town of Stephensport, whose term of office shall be four years from the date of his election.

§ 2. That said police judge shall have all the rights and power to try and determine all suits that justices of the peace now have in the county of Breckinridge.

§ 3. That in addition to said judge having the same jurisdiction of justices of the peace in said county, he shall have exclusive jurisdiction in all penal causes which may occur within said town, to punish any and all violations of any ordinance or by-laws of said town; also to impose fines upon those guilty of drunkenness and disorderly conduct.

§ 4. That said police judge shall have the power to impose such fines for the above enumerated offenses as in his judgment he may think proper, not to exceed ten dollars in any one case.

§ 5. That at the same time that the citizens of said town elects said police judge, they shall elect a marshal for said town for the same term of years, who shall have all the rights of constables of this Commonwealth.

§ 6. That all fines and forfeitures collected under this act shall be paid over to the treasurer of said town by the said

marshal, to be applied by the board of trustees of said town to the improvements of the streets, sidewalks, &c., of said town. 1876.

§ 7. That the fees of said police judge and marshal shall be the same as is now allowed justices of the peace and constables of this Commonwealth for similar services.

§ 8. That the first election under this act shall take place on the first Monday in August, 1876, and every four years thereafter.

§ 9. That all rights, privileges, &c., guaranteed and secured to the citizens of the towns of Hardinsburg and Cloverport, in said county, by the acts of incorporation, and amendments thereto, are hereby granted to the citizens of said town of Stephensport, and the same are a part hereof, as though it was set out in full in this act.

§ 10. That act to take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 577.

AN ACT for the employment of teams on the public roads in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whenever it shall be necessary to employ wagons, plows, or teams upon any of the public roads in Carroll county, the surveyor of said road shall, if he deems it necessary, impress such teams, plows, and wagons as now provided by law, or he may hire them at a price not greater than that now allowed by statute, and pay for the same by fines imposed upon the delinquent road-workers of his own road district; but if the fines so assessed do not pay for said teams so employed, then the surveyor shall have power to levy a tax upon each hand assigned to work on his road to pay for the teams, &c., so employed.

§ 2. This act shall take effect from its passage.

Approved March 9, 1876.

1876.

CHAPTER 578.

AN ACT to establish a normal school at Glasgow, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an institution of learning is hereby established in Glasgow, Barren county, by the name and style of the Glasgow Normal School, which shall be under the control of Joseph P. Nuckols, P. H. Leslie, Thomas M. Dicky, R. P. Collins, William J. Bradford, Meredeth Reynolds, and W. J. Bird, and their successors, as trustees of said institution. If at any time a vacancy shall occur by death, removal, or resignation, the other trustees shall name a suitable person to fill the vacancy; they shall have power to name one of their number president of their board, and such other officers as they may deem proper; they shall power to employ such professors of learning as they may desire to teach said normal school, and may co-operate with the common school trustees, and make such arrangement as may be agreeable and advantageous to the institution hereby created and the advancement of learning; they may hold annual commencements and public examinations of the pupils, and may confer such honorary degrees and diplomas as is usual in colleges and high schools in this Commonwealth.

§ 2. *Be it further enacted*, That any graduate from said school holding a diploma, signed by its trustees or professors, shall be deemed qualified to teach any common school in this Commonwealth, and the same shall stand in lien of a first-class first-grade certificate, as provided in article eight, chapter eighteen, of the General Statutes.

§ 3. *Be it further enacted*, That said normal school shall receive students of both sexes and any degree of advancement.

§ 4. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 579.

AN ACT to amend the charter of Petersburg and Burlington Turnpike Road.

WHEREAS, Nearly the whole of the Petersburg and Burlington Turnpike Road lies between the two gates now on

said road, one of which is nearly adjoining the town of Petersburg, and the other about one quarter of a mile from the town of Burlington, leaving about ten miles of said road between said gates; and whereas, a large trade and business is done by the people of the northern portion of Boone county over said road and between said gates, with the city of Lawrenceburg, Indiana; and whereas, there is a very large intermediate travel upon said road between said gates; and upon portions thereof most expensive to keep in repair, from which travel no tolls are received; and whereas, said road runs over a hilly and rough country, and crosses large ridges through nearly its whole route, making steep grades and numerous bridges necessary, and the expense of repairs very heavy and burdensome, by reason whereof the tolls now received at said gates are insufficient to keep said road in good repair; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said company be, and they are hereby, authorized, in addition to the two gates now on said road, to erect, establish, and maintain another gate on and across said road at or near the intersection of the Mitchelsville and Dry Creek Plank Road with said road, at which said last named gate, when erected, it shall be lawful for said president, directors, and company to charge and collect, from all and every person or persons using said road, such tolls as are now authorized by law to be collected at the gates now on said road; the tolls so charged and collected to be regulated by the distance on said road traveled or to be traveled, or the portion thereof used or to be used by the person or persons passing through said gate.

§ 2. That so much of the original charter, or any amendment thereto, as exempts any person or class of persons from payment of toll on said road is hereby repealed.

§ 3. That hereafter all persons going to or returning from funerals, school, mill, or church, and persons passing to and from different portions of the farm occupied by them, shall be exempt from the payment of tolls at any and all of said gates: *Provided, however,* That the said exemption shall apply only to persons attending church on the Sabbath day, to persons going to and returning from mill on horseback, and to school children and their necessary escort or driver.

1876

1876.

§ 4. That the penalties now prescribed by law for unlawfully evading, or attempting to evade, the payment of tolls at the gates now on said road shall apply to like offenses at the gate herein authorized to be erected.

§ 5. This act shall be in force from its passage.

Approved March 9, 1876.

CHAPTER 580.

AN ACT to incorporate the Milton and Patton's Creek Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Commissioners. § 1. That Ben. Morris, James Ely, Frank Lee, Evan Garriott, Lindsay Cooper, John Totten, John H. Moffitt, Mat. King, and James Gill, be, and they are hereby, appointed commissioners, under the direction of whom, or any three of whom, subscriptions may be received to the capital stock of the Milton and Patton's Creek Railway Company hereby incorporated; and they may cause books to be opened at such time and place as they may elect, for the purpose of receiving subscriptions to the capital stock of said company, after having such notice of the times and places as they may deem proper; and after the opening of said books, they may continue them open for such time, and may adjourn to such places, as they may deem expedient, until subscriptions to the capital stock of said company shall have reached an amount sufficient to authorize the election of a board of directors, and the organization of the company under the incorporated name aforesaid; and under that name it shall be an incorporated company, and shall be capable of purchasing, holding, selling, leasing, and conveying personal, real, and mixed estate; and shall have succession for ninety-nine years; and by said corporate name shall sue and be sued; and may have and use a common seal or scroll; and shall have all the powers, rights, and privileges of other corporate bodies for the purpose of carrying out the objects of its creation; and may build and equip and use a railway from the town of Milton, in Trimble county, Kentucky, to a point at or near the mouth of Patton's creek, in said county, with such appendages as may be deemed necessary for the convenient use of the same, to be worked and operated by steam power on

May acquire and hold real and personal estate.

Common seal.

such line or route between said points as the board of directors may deem most fit and proper.

1876.

§ 2. That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each; but said company may organize by the election of a board of directors whenever the sum of ten thousand dollars shall have been subscribed to said capital stock. That when said amount has been subscribed, the commissioners shall call a meeting of the subscribers at some designated place, by giving twenty days' public notice; and at said meeting said commissioners shall lay before the subscribers present the subscription books. Thereupon the subscribers shall elect five directors from among the stockholders to manage the affairs of the company. Each stockholder shall be allowed one vote for each share of stock owned by him or her, and may, in writing, empower any person to cast the vote or votes to which he or she would be entitled if present.

Capital stock.

Directors—when and how elected.

§ 3. That to continue the succession of the president and directors of said company, five directors shall be elected annually on the first Monday in May, at such place as the board of directors may designate; and should a vacancy or vacancies occur in the board by death or otherwise at any time, the remaining members of the board may fill such vacancy or vacancies; and the directors shall elect one of their number as president and other officers at their first meeting after their election.

Term of office.

Vacancy—how filled.

§ 4. That at each annual meeting of the stockholders, the board shall lay before them an exhibit in writing, showing fully the financial condition of the company.

§ 5. That the board of directors, before they proceed to act as such, shall take an oath before some officer having the right to administer oaths in this Commonwealth, that they will well and truly discharge their duties as officers of said company according to the best of their skill and abilities.

Directors to take oath.

§ 6. That said railway shall not be taxed, nor shall any of its materials, for State or county purposes, until one half of said road is completed.

When road is taxable.

§ 7. That the board of directors, a majority concurring, may appoint such officers, agents, engineers, and servants as they may deem necessary for the transaction of the business

Power and duty of directors.

1876. of the company, and take from them such bonds as will be sufficient to secure a faithful discharge of their respective duties; and said board shall have the power to contract for the erection of all necessary buildings, and to do all else that may be needful in the location, construction, and use of said railway.

May issue bonds. § 8. That the president and directors of said company shall have the power to issue the bonds of the company in an amount not exceeding the capital stock of the company, with coupons thereto attached, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually. Said bonds shall be made payable in such time and places as may be agreed upon, not exceeding thirty years; and the holders of such bonds shall have a lien on said railway, and all its fixtures and rolling stock, to secure the payment of the same.

Lien for wages. § 9. That the wages of laborers and employees doing work or service on said road, or any person or persons damaged on said road, shall have a priority of lien for the payment of the same on the rolling stock of said railroad and its earnings, any mortgage to the contrary notwithstanding.

§ 10. That this act shall be in force from and after its passage.

Approved March 9, 1876.

CHAPTER 581.

AN ACT to amend the charter of the Lexington and Georgetown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Lexington and Georgetown Turnpike Road Company be, and is hereby, authorized and empowered to change the location of its toll-gates to such point or points outside the corporate limits of Lexington and Georgetown as they may deem best for the interests of the company: *Provided*, That for local travel they shall only collect toll in proportion as the distance traveled on their road shall be to five miles.

§ 2. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 3. That this act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 582.

1876.

AN ACT to amend the charter of the Danville and Hustonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Danville and Hustonville Turnpike Road Company be, and the same is hereby, amended, and the president and directors thereof authorized and empowered to increase the capital stock of said company to the sum of thirty-three thousand (\$33,000) dollars, to correspond with the cost price of said road, and issue certificates for the same: *Provided*, That it shall not be lawful for said corporation ever to increase the rates of toll charged by said company on the 15th day of February, 1875: *Provided further*, That this amendment shall be submitted to the stockholders of said company at some regularly called meeting of the same, and ratified and accepted by them.

§ 2. This act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 583.

AN ACT for the benefit of Lee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Phillips, late judge of the Lee county court, be, and he is hereby, authorized to sign all orders, judgments, and proceedings of said court which were not made up and signed by him while in office, and when so done, the same is hereby declared to be legal the same as if done by him while presiding as judge of said court.

§ 2. This act shall take effect from its passage.

Approved March 9, 1876.

1876.

CHAPTER 584.

AN ACT to legalize the Washington county court of claims for 1875.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the Washington county court of levy and claims, October term, 1875, whereby twenty cents per one hundred dollars' worth of property is levied for general county purposes, be, and the same is hereby, declared legal and binding.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 585.

AN ACT for the benefit of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Calloway county is hereby authorized and empowered to lay off certain water-courses in said county as public highways are laid off, giving him the power to appoint overseers, who shall summons those owning lands lying adjacent to or in the bottoms of said water-courses, and who shall clean out and keep cleaned said water-courses, under the same restrictions of law as public roads are now kept in order.

§ 2. *Be it further enacted,* That persons owning lands on said water-courses, and not living on same, after notification, either to said owners or their agents, they refusing to furnish their part of the labor, their land shall be liable for the payment of their pro rata of the expenses.

§ 3. This act to take effect from its passage.

Approved March 9, 1876.

CHAPTER 586.

AN ACT to amend the charter of the Masonic Building Company, of Falmouth, Kentucky.

WHEREAS, The act incorporating the Masonic Building Company, of Falmouth, Kentucky, provides that the capital stock of said company shall be ten thousand dollars; and

whereas, in the construction of said building the cost greatly exceeded ten thousand dollars, making it necessary to provide for the excess by borrowing and mortgaging the building; therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating said Masonic Building Company be, and the same is hereby, so amended as to make the capital stock of said company sixteen thousand instead of ten thousand dollars, and that any sums of money borrowed by the president and managers of said company in the construction of said building in excess of ten thousand, and not exceeding sixteen thousand dollars, be, and the same are hereby, legalized and made as valid and binding upon said company, from their respective dates, as though the capital stock of said company had been sixteen instead of ten thousand dollars.

§ 2. That instead of the number of votes given to stockholders by the original act, the same be hereby so amended as to give to each and every stockholder in said company one vote for each and every share of stock held that has been fully paid up.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 587.

AN ACT to extend the corporate limits of the town of Leitchfield, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present limits of the town of Leitchfield, in Grayson county, Kentucky, be, and the same are hereby, so extended as to include within the limits thereof, and to become incorporated therewith, the following boundary, to-wit: Beginning at a stone the northeast corner of said town, running thence north $1\frac{1}{2}$ east 999 feet (crossing the road leading from Leitchfield to Elizabethtown at 130 to 170 feet) to a stake or stone; thence north 46 west 1194 feet (crossing the centre of

1876. the main track of the L., P. & S. W. R. R. at 739½ feet) to a stake or stone; thence north 88½ west 980 feet to a stake or stone; thence south 1½ west 1805 feet to a stake or stone in the north line of the said town, and 33 feet southeast from the centre of said railroad; thence with the original north line of said town south 88½ east 1861 feet (crossing main street thereof at 805 to 871 feet) to the beginning, containing 68 95 100 acres.

§ 2. That the title to the lands and lots embraced in this boundary shall continue in the persons now owning the same, respectively; and said owners may sell the same at public or private sale, and in such parcels, and on such terms, as they may deem proper, and convey the same by deeds as other real estate is sold and conveyed: *Provided*, The right and title to such streets and alleys as have heretofore been laid off, or may hereafter be laid off, in said annexed boundary, shall vest in the present trustees of the town of Leitchfield, and their successors in office, and be subject to their supervision and control.

§ 3. That all the laws, ordinances, and by-laws now in force for the government and regulation of the present town of Leitchfield, shall apply to and be in force over the boundary hereby annexed to said town, except as provided in the second section of this act: *Provided*, That nothing in this bill shall be so construed as to prevent owners of lands over which the streets of said town run from recovering such damages as they may sustain by the locating of said streets as now provided by law.

§ 4. This act to take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 588.

AN ACT to amend "An act to incorporate the town of Shelby City, in the county of Boyle."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twelve of "An act to incorporate the town of Shelby City, in the county of Boyle," be, and is hereby, amended so as to read: "That the tax on license to sell intox-

icating liquors in said town shall not be less than two nor more than five hundred dollars."

1876.

§ 2. This act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 589.

AN ACT to empower the trustee of the jury fund of Henderson county to restore to the city of Henderson, out of funds coming to his hands as trustee, certain money due to said city.

WHEREAS, By act of the General Assembly approved February 11th, 1867, and by act approved March 5, 1870, fines and forfeitures imposed for violations of penal laws within the limits of the city of Henderson, in whatever court recovered, are granted to the city of Henderson; and whereas, it is represented to the General Assembly that the trustee of the jury fund of Henderson county has received and disbursed for this Commonwealth certain moneys arising from fines which are due to the city of Henderson; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustee of the jury fund of Henderson county is hereby authorized and directed to pay over to the treasurer of the city of Henderson, or other officer authorized to receive moneys for said city, out of any funds coming to his hands as trustee, such amounts as have been collected or wrongfully disbursed by him: *Provided*, Such sums arose from fines or forfeitures due to said city.

§ 2. This act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 590.

AN ACT to incorporate Hocker College, of Lexington, Kentucky.

WHEREAS, In the year 1869, J. M. Hocker erected on North Broadway, between Fourth and Fifth streets, in the city of Lexington, Kentucky, the large and commodious building known as Hocker College, in order to promote high female education; and that said enterprise may not be dependent or contingent upon the life of one individual, the said J. M. Hocker has agreed to sell said institution, with its ground,

1876. furniture, and fixtures, to a joint stock company, who shall conduct and control the same in the interest of the religious people in Kentucky known as Disciples of Christ or Christians, and in the manner hereinafter provided; now, therefore, in furtherance of this purpose,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees.

§ 1. That J. Q. A. King, W. T. Withers, J. H. Vivion, Robt. Graham, John S. Murphy, H. A. Headly, G. W. Sweeny, Noah Spears, J. W. McGarvey, Wm. Mitchell, J. B. Morton, J. B. Briney, John S. Sweeny, J. B. McGinn, and J. D. Trapp, or their survivors, be, and are hereby, appointed a provisional board of trustees to receive subscriptions for the purchase of said property, and for all other purposes in the furtherance of the interest of said institution; and that they be, and are hereby, constituted a body-politic and corporate, under the style and title of "Hocker College," with full power to hold and transfer property, real and personal, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have, and use a common seal, and to alter, break, or change the same at pleasure.

Name and style.

Corporate powers.

Common seal

Capital stock.

§ 2. The capital stock of said institution shall at no time be less than eighty thousand dollars, divided into sixteen hundred shares of fifty dollars each; and no stockholder shall be made, by the action of the board of trustees, liable for any sum greater than the amount of his stock.

Trustees—when elected.

§ 3. When fifty thousand dollars of said capital stock shall be subscribed, the provisional board of trustees shall call a meeting of the stockholders at Lexington, Kentucky, who shall then elect a regular board of trustees.

Number of members.

Quorum.

§ 4. The said board of trustees shall consist of fifteen members, each of whom shall be a member of the Christian Church in Kentucky, in good standing. Five of said members shall constitute a quorum for the transaction of business at all regular meetings, but for the transaction of business at all called meetings, no less than a majority of the board shall constitute a quorum.

Annual election.

§ 5. The trustees shall be elected annually. At each election the trustees in office shall appoint two stockholders not of their own number as judges of said election, and a suitable person, also not of their number, to act as clerk of said election.

Said clerk shall keep a careful and faithful record of each election, and certify the same to the secretary of the board of trustees, who shall notify those who are elected. Notice of said election, signed by the secretary, shall be published at least one month previous to date of holding the same in one or more of the papers of the city of Lexington.

1876.

§ 6. All vacancies occurring in the board of trustees by death, removal, resignation, or otherwise, shall be filled by said board till an election shall be held by the stockholders.

Vacancies—how filled.

§ 7. Each share of fifty dollars shall entitle the holder to one vote at each annual election of trustees, which vote may be cast in person or by written proxy.

One vote to each share.

§ 8. The board of trustees shall elect their own president and secretary, and shall have power to elect a general financial agent or treasurer, whose duty it shall be to take charge of the funds of the institution, and perform such other duties as the board of trustees shall prescribe. Said general financial agent or treasurer shall be a member of the Christian Church in Kentucky, in good standing, but not a member of the board of trustees.

President, secretary, and treasurer—their duties

§ 9. The board of trustees shall require the general financial agent or treasurer to give bond and security for the faithful performance of his duties, his sureties to be approved by the board of trustees.

Treasurer to give bond.

§ 10. The stock issued by the corporation created by this act shall be signed by the president and secretary of the board of trustees, and can be transferred on the books of said corporation only by the holder, or by his attorney.

Stock—how signed.

§ 11. The board of trustees shall have power to make and establish such by-laws as they may deem necessary for their own government, not inconsistent with this act and with the Constitution and laws of the United States and of the State of Kentucky: *And provided also*, Said by-laws be in harmony with this charter and the objects of this institution, of which this act constitutes said trustees the guardians and managers.

May make by-laws, &c.

§ 12. The officers of the institution shall consist of a president, professors, and teachers, who shall hold their office by appointment of the board of trustees.

Officers.

§ 13. The trustees shall have power to fix the salary of the president, professors, teachers, and employes of the institution, and change the same as the condition and interest of the institution may demand.

Compensation.

1876.

May grant literary honors.

§ 14. The trustees, upon the recommendation of the president, professors, and teachers of the institution, shall have power to grant such literary honors as are usually granted by similar colleges in the United States, and in testimony thereof shall give suitable diplomas, under the seal of the corporation, signed by the faculty, and also by the president and secretary of the board of trustees.

Secretary to keep record.

§ 15. The secretary shall keep a true record of all of the proceedings of the board in a good and substantial book, signed by the president and secretary; said record shall be at all times open to the inspection and examination of the stockholders of the institution.

§ 16. This act shall be in force from and after its passage.

Approved March 9, 1876.

CHAPTER 591.

AN ACT granting the use and possession of the reservoir on the Public Square to John R. Graham and Green Clay Smith, of the city of Frankfort, for the purpose of cultivating fish.

WHEREAS, There is a large reservoir on the Capitol Square, and near the public buildings, about thirty feet in diameter, and twenty feet deep, which has been for years the receptacle for trash and the debris of the public square, thereby rendering it a nuisance, there being all the while a large quantity of water in it, with no means of escape; and whereas, it becomes more or less offensive and unhealthy during the warm seasons of the year especially, and should be filled up or rendered serviceable and healthy; and whereas, John R. Graham and Green Clay Smith, of the city of Frankfort, have agreed to clean out and keep clean said reservoir for the purpose of cultivating fish therein; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the possession and use of said reservoir is hereby granted and given unto the said John R. Graham and Green Clay Smith; and they shall be protected against trespass and depredations upon said reservoir by any and all persons whomsoever. To secure said reservoir from trespass and deprivations, they shall be allowed the space of six feet of ground around said reservoir, to be inclosed by fence of such style as they

may select. But the State reserves to itself the right to resume the control of the same at any time, by the Governor of this State giving to the parties ten days' notice, in writing; and the said Graham and Smith shall have the right to remove any fence they may have put around said reservoir, and any fish they may have put therein.

1876.

§ 2. *Be it further enacted*, Any person or persons trespassing upon said inclosure, injuring or destroying the fence around said reservoir, shall be liable to fine, not exceeding ten dollars, adjudged by any magistrate in the county of Franklin, for the benefit of said Graham and Smith, to be collected as other such fines are now collectable. This act may be altered, amended, or repealed at any time.

§ 3. This act shall take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 592.

AN ACT for the benefit of Carlisle Callon, of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel B. Callon, assessor of Greenup county, in this State, is hereby permitted to employ his son Carlisle, who is only nineteen years old, his assistant.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 9, 1876.

CHAPTER 593.

AN ACT for the benefit of Joel F. Reed, sheriff of Estill county, and his securities on his bond for years 1873-'4.

WHEREAS, Joel F. Reed was sheriff of Estill county in the years 1873 and 1874; and whereas, judgment was rendered against him and his securities in Franklin circuit court in favor of the Commonwealth for revenue due from Estill county for said years; and whereas, interest was collected and judgment rendered against him for ten per cent. from first of June to first of April preceding said judgment, which interest amounted to three hundred and fifty-nine dol-

1876. lars and fifty-eight cents; and whereas, it is a hardship to require the payment of interest at ten per cent. per annum, to be paid before the sheriff could have collected the taxes; for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said Joel F. Reed be, and he is hereby, relieved from the payment of interest on said judgment from first of June to first of April; and that the Auditor of Public Accounts be, and he is hereby, directed to give said Joel F. Reed credit by said interest, amounting to three hundred and fifty-nine dollars and fifty-eight cents, upon any balance which he (said Reed) and his securities may yet owe on said judgments.

§ 2. This act to take effect from its passage.

Approved March 9, 1876.

CHAPTER 594.

AN ACT for the benefit of W. W. Cox, late sheriff and present and late county and quarterly court judge of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. W. Cox, late sheriff and present and late county and quarterly court judge of Morgan county, have the further time of two years to collect and distrain for his uncollected fee-bills as late sheriff and present and late county and quarterly court judge of Morgan county.

§ 2. Said Cox, in the collection of said fee-bills, shall be under all the pains and penalties against the collection of illegal fee-bills.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1876.

CHAPTER 596.

1876.

AN ACT to empower John D. Mourning, judge of Adair county court, to appoint a clerk of his court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John D. Mourning, judge of Adair county court, be, and he is hereby, empowered to appoint a clerk of his quarterly court, who, before entering upon the duties of his office, shall be sworn as other civil officers are sworn.

§ 2. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 597.

AN ACT to amend the charter of the Athens and Walnut Hill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixth of an act, entitled "An act to incorporate the Athens and Walnut Hill Turnpike Company," approved March 21st, 1871, be, and the same is hereby, amended so as to read as follows: "That the entire width of said road shall not exceed thirty feet, and the macadamized part thereof shall not be less than twelve feet. When two and one half miles of said road is completed, said company may erect a toll-gate at such point thereon as they may prefer, and may charge and receive toll at the same; but no person traveling on said road shall be charged toll bearing a greater proportion to the rates prescribed in chapter one hundred and ten of the General Statutes than the distance he may travel thereon bears to the distance of five miles."

§ 2. This act shall be in force from its passage.

Approved March 9, 1876.

CHAPTER 598.

AN ACT to provide for adjusting conflicting titles to mineral spring, in Boone county.

WHEREAS, Thomas Carneal conveyed to Boone county, by deed of record in county clerk's office in the county of Boone,

1876. the mineral spring known as the Big Bone Spring, and two acres of land around said spring; and whereas, said Carneal sold to one Stewart Baker the tract of which said two acres was a part, excepting said two acres from the sale; and whereas, the county of Boone, through commissioners appointed for said purpose, and Stewart Baker for himself, have agreed upon the following boundary, viz: Beginning at a point in Big Bone creek, witnessed by a stone on the south bank of said creek in the line; thence south 69 west $35\frac{2}{3}$ poles, crossing the "Big Marsh," and passing a stone on the bank of the creek aforesaid to the center of the creek; thence up the center of the creek north 22 east 12 poles, north $46\frac{1}{2}$ east 14 poles, north 89 east 9 poles, south 50 east 12 $3\frac{5}{8}$ poles to the beginning, containing two acres, as the proper boundary of said lot; now, in order to forever quiet all dispute about the metes and bounds of said lot of land,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the county court of Boone county be, and he is hereby, authorized and empowered to execute such deed to Stewart Baker, and take from said Stewart Baker such deed as will secure to Boone county the quiet possession of said spring and lot of land forever.

§ 2. That it shall be lawful for the county court of Boone county to enforce a road or highway to said public spring as roads and highways are enforced under the General Statutes.

§ 3. This act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 599.

AN ACT to incorporate the Court Street Baptist Church, in the city of Bowling Green, Warren county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That W. W. Rice, Harrison P. Barnet, J. F. Montfort, A. P. Durham, and S. S. Johnson, and their successors, be, and are hereby, created a body-politic and corporate, by the name
Name and style. and style of the Court Street Baptist Church, of the city of Bowling Green, Warren county, and State of Kentucky; and by said name to have perpetual succession; and by that cor-

poration may have power to buy and take by bequest, devise, gift, or deed any real or personal estate not exceeding the amount allowed by law to churches, and to hold, convey by rent, lease, or otherwise dispose of said property, with all the powers incident to such religious corporations.

1876.

May acquire and hold real and personal property

§ 2. That said trustees may sue and be sued, plead and be impleaded, answer and be answered unto, so far as may be necessary to protect the rights and property of said church, and to secure any demand due or to become due the same.

Corporate powers.

§ 3. That said trustees shall continue in office one year, or until their successors are elected by the rules and regulations of said church; and should any vacancy occur in said board of trustees by death, removal, withdrawal, dismissal of any of its members, or by the resignation of any of its members, the church shall elect one to fill such vacancy.

Term of office.

§ 4. That said trustees may have and use a common seal, which may be changed at their pleasure; and a majority of said trustees shall constitute a quorum to do business, and shall appoint from their number a chairman and secretary; and transfers and conveyances of church property, and all written contracts, shall be signed by the chairman and secretary; and all such conveyances shall pass the title of the church.

Common seal.

§ 5. The said trustees shall keep a correct record of all their proceedings, which, at all times, shall be open to the inspection of the officers and members of the church.

Shall keep record

§ 6. This act shall take effect from and after its passage.

Approved March 9, 1876.

CHAPTER 600.

AN ACT to incorporate Hico Lodge, No. 372, Free and Accepted Masons, Calloway county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the members of Hico Lodge, No. 372, of Free and Accepted Masons, at Hico, Calloway county, Kentucky, and those hereafter admitted to membership in said lodge, be, and they are hereby, incorporated in the name and style of Hico Lodge, No. 372, of Free and Accepted Masons; and in that name shall be capable of contracting and being con-

1876. tracted with, suing and being sued, pleading and being impleaded; and shall have the power of acquiring and holding, by purchase or otherwise, real and personal property for Masonic purposes, not exceeding in value five thousand dollars; and may at any time sell and convey the same, or any part thereof, and reinvest or dispose of the proceeds; and to pass and adopt such by-laws for its government as it may deem proper: *Provided*, The same be not inconsistent with the laws and Constitution of the United States. The said lodge may adopt a seal, and renew and break the same at pleasure. Said lodge may build and erect, own and hold, hold, or purchase a hall and such other buildings as they may see fit; they may loan, or cause to be loaned, any money that they may have on hand, and collect the same, by suit or otherwise, in their corporate name, or transact any other business they may deem proper and right; or may have power and authority to invest their means in lands or stocks, and hold or dispose of the same at pleasure.

§ 2. That to the Worshipful Master, Junior and Senior Wardens, and their successors in office, is confided the management of the concerns of said corporation as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the personal or real estate of said lodge, and in conveying real estate they shall join in the conveyance.

§ 3. That service of process upon the Master and Wardens as trustees shall be deemed sufficient notice to said lodge. That the General Assembly reserves the right to amend, alter, or abolish this charter at any time, upon the request of a majority of all the members of said lodge.

§ 4. This act to be in force from its passage.

Approved March 9, 1876.

CHAPTER 601.

AN ACT for the benefit of B. T. Morris, of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of B. T. Morris, of Carter county, for the

sum of two hundred and twenty-nine dollars and fifteen cents, for his services in taking care of David S. Sellards, a pauper lunatic, by the appointment of the Carter county court, from the 12th day of August, 1872, till the 15th October, 1873, which sum shall be paid by the Treasurer out of any money in his hands not otherwise appropriated.

1876.

§ 2. That this act shall take effect and be in force from its passage.

Approved March 9, 1876.

CHAPTER 602.

AN ACT to incorporate the Troublesome Creek Boom Company, in Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. C. Strong, Thomas Hagans, G. T. Strong, Anderson Hays, S. H. Combs, and J. E. Price, their associates and assigns, are hereby incorporated a company by and with the name of the Troublesome Creek Boom Company, and by that name shall be known, and have perpetual succession; may sue and be sued, plead and be impleaded, in any and all courts in this Commonwealth; may purchase, receive, and otherwise acquire and hold property, real and personal, and they may sell, lease, or otherwise dispose of the same, at pleasure; and may make, construct, and pass by-laws and regulations for the control of its affairs, provided they are not inconsistent with the laws of the land.

Corporators.

Name and style.
Corporate powers.

May acquire and hold real and personal estate.

§ 2. The object and business of said company shall, and is hereby declared to be, that of erecting and keeping up a boom or piers at or near the mouth of Troublesome creek, in Breathitt county, for the purpose of catching and fastening such loose saw-logs and other lumber as may be floated down Troublesome creek.

Object and purposes.

§ 3. The capital stock of said company shall be two hundred dollars, and may be increased to any sum not exceeding five thousand dollars, which stock shall be divided into shares of five dollars each, and made assignable on the books of said company.

Capital stock.

§ 4. The parties whose names are herein mentioned, to-wit: E. C. Strong, Thomas Hagans, Anderson Hays, G. T. Strong,

Directors—when elected.

1876. S. H. Combs, and J. E. Price, or any three of them, may, at any time after the passage of this act, open books for the subscription of stock, and as soon as the sum of two hundred dollars is subscribed, proceed to the election of three directors, a president, and secretary, who shall also be treasurer. The stockholders only shall be entitled to vote for directors, president, and secretary-treasurer, and each share of stock shall entitle the owner or holder to one vote for each share of stock he holds.

Each share entitled to one vote.

§ 5. The said company shall have power to have condemned land, earth, quarries, timber, or stone, by applying to the county court of Breathitt county, and making affidavit through its president, that it cannot obtain land, stone, or timber without a writ of *ad quod damnum*; whereupon it shall be the duty of the county judge of Breathitt county to issue a writ of *ad quod damnum*, directed to the sheriff of said county. The proceedings upon said writ shall be in every respect conformable to the law now in force in relation to the trial of *ad quod damnum* in turnpike road cases. Before said company shall use any land, timber, stone, or earth condemned to their use, they shall first pay and fully satisfy the owner thereof, and take his receipt for the same, or his conveyance according to law, if it be real estate.

§ 6. It shall be the duty, and it is hereby required, of said pany, that after it erects its said boom, it shall continuously keep the same in or across said stream, so that the logs floated therein will be lodged against the same; but shall keep the said boom so that it can be opened, and let such logs or other lumber pass on into Kentucky river, if the owner desires, as soon as the stage of water in Troublesome creek and Kentucky river will admit of its being opened; and said company shall be responsible to the owners of logs and other lumber for all logs lost through the neglect or carelessness of said company.

§ 7. No person save a citizen of Troublesome creek, in Breathitt, Perry, and Letcher counties, shall be allowed to take stock in said company, or some one owning land on said creek. Said company shall, and are hereby allowed to, charge a fee of not exceeding twenty cents on each saw-log caught in their said boom, and such reasonable sums as may be right for catching other lumber, the rates to be fixed by the stockholders at their first regular meeting after its organization.

§ 8. The officers for said company first elected under this charter shall hold their offices for two years, and until their successors are elected and qualified. 1876.
Term of office.

§ 9. This act to continue in force for five years, but not longer.

§ 10. This act to take effect from its passage.

Approved March 10, 1876.

CHAPTER 603.

AN ACT to protect the Newport and Covington Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That if any person shall willfully burn or otherwise destroy, or willfully attempt to burn or destroy, said bridge, he shall be deemed guilty of felony, and shall be imprisoned in the penitentiary not less than five nor more than twenty years.

§ 2. That if any person shall, with intent to defraud said bridge company, fail or refuse to pay the toll required when crossing, or shall attempt to evade the payment thereof, he shall be fined from five to ten dollars.

§ 3. That said bridge company is hereby invested with full power and authority to make and enforce any rule or regulations, not inconsistent with its charter or the laws of this State, which shall be deemed necessary or requisite to preserve and protect its property, and collect the tolls thereof; and may prevent any person from crossing such bridge on foot, or by riding or driving any team or vehicle, or from driving any stock, who fails to pay the regular fare when demanded; and the toll collectors of said bridge shall have, and are hereby invested with, all the power and authority of policemen of cities to arrest, on view of the commission of the offense, any violator of this law or the rules of said bridge company, without warrant, and take him before the proper civil authority to be dealt with according to law.

§ 4. That if any person shall ride or drive any team, or willfully drive any stock across or upon said bridge faster than a walk, such person shall, upon conviction before a justice of the peace or police judge, be fined from five to ten dollars.

1876. § 5. That when said bridge company shall issue and sell tickets in commutation of fare for the convenience of and to favor the public, and those who frequently cross said bridge, or shall sell packages of tickets at a reduced rate below single fares, it shall not be lawful for any person to make traffic of the same, nor to resell such tickets at the same or at a less rate than the company charge for single fares, and any person violating this section shall be fined from five to ten dollars for each offense.

§ 6. That all fines imposed by virtue of this act shall be prosecuted for in the name of the Commonwealth.

§ 7. This act shall take effect from and after its passage.

Approved March 10, 1876.

CHAPTER 604.

AN ACT to amend an act, entitled "An act to charter the Mechanics' Bank, of Paducah, Kentucky," approved February 7th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to charter the Mechanics' Bank, of Paducah, Kentucky," approved February 7th, 1867, be so amended as to change the name of said bank from the Mechanics' Bank, of Paducah, Kentucky, to the Farmers and Mechanics' Saving Bank, of Paducah, Kentucky; and the said bank shall hereafter be called and named the Farmers and Mechanics' Saving Bank, of Paducah, Kentucky.

§ 2. This act shall take effect from its passage.

Approved March 10, 1876.

CHAPTER 605.

AN ACT to amend an act incorporating the town of Frenchburg, in Menifee county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of the town of Frenchburg, Menifee county, shall be, and they are hereby, empowered to open and condemn any lands in said town on which there are no buildings, for streets and alleys, and they are also authorized to

Trustees may
condemn land,
&c.

extend the streets and alleys of said town: all of which shall be done by ordinances duly passed by the said board of trustees, and signed by their chairman or president; and if the owner or owners of any land over which said trustees decide to run a street or alley object thereto, or refuse to give up said land for said purpose, then a writ of *ad quod damnum* shall issue, directed to the marshal of said town, and the same proceedings shall be had thereon as is provided by the laws of this State in cases of public highways, where the owners object to the same, and require compensation for their lands so condemned for public roads. 1876.

Proviso.

§ 2. *Be it further enacted*, That the trustees of the town of Frenchburg shall be, and they are hereby, empowered by ordinance or ordinances to compel the owners of lots in said town to pave the sidewalks of streets fronting on their lots with either good "brick, gravel, or stone" pavements; said ordinance shall state the width said pavements are to be made, not, however, to exceed eight feet.

May compel improvement of sidewalks, &c.

§ 3. And should said owner or owners, after being notified by the town marshal of Frenchburg, refuse to so pave said side of the streets fronting on his or their lot or lots for thirty days, the said trustees are hereby authorized to have the said street or streets so fronting on the lot or lots of said owner or owners paved as required by said ordinance or ordinances of said trustees, and charge the cost to the said owner or owners.

§ 4. *Be it further enacted*, That said trustees shall have an enforceable lien on said lot or lots fronting the street or streets so ordered to be paved, which may be enforced by a suit in equity in the Menifee circuit court; and should said lot or lots fronting the streets so ordered to be paved fail to pay the amount expended in paving the same, the trustees shall be entitled to a personal judgment against the owner or owners thereof for the remainder, including ten per cent. interest upon said amount so expended from the filing of suit, and all costs therein expended.

Enforceable lien on lots.

§ 5 This act shall be in force from and after its passage.

Approved March 10, 1876.

1876.

CHAPTER 606.

AN ACT to repeal section three of an act to amend the charter of the town of Shelby City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act to amend the charter of the town of Shelby City, approved March 15, 1869, be, and is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 10, 1876.

CHAPTER 607.

AN ACT to amend the charter of the city of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Insurance companies and auctioneers taxable.

§ 1. That the mayor and board of councilmen of the city of Cynthiana may impose upon all insurance companies and auctioneers doing business within the corporate limits of said city a tax not exceeding fifty dollars per annum upon each insurance company, and a tax not exceeding ten dollars per annum upon each auctioneer.

§ 2. That the mayor and board of councilmen shall have authority to pass such by-laws and ordinances, with adequate penalties, as may be necessary for the enforcement of the powers conferred by this act.

§ 3. That this act shall be in force from its passage.

Approved March 10, 1876.

CHAPTER 608.

AN ACT to incorporate the Mechanics' Saving Association.

WHEREAS, A number of mechanics and others in the city of Owensboro, Kentucky, organized an association for the purpose of affording relief to its members, by advancements or otherwise, in building and securing houses and homes; and did, on the 25th day of March, 1875, file articles of incorporation, which were duly acknowledged by the incorporators in the county court clerk's office of the Daviess county court, as provided in chapter 56 of the General Statutes; and whereas,

said association is desirous of obtaining a charter from the
Legislature of Kentucky; therefore, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Brown, president; C. H. Todd, vice presi- Corporators.
dent; P. T. Watkins, treasurer; E. B. Colgan, secretary, and
B. Baer, Thos. S. Venable, Martin S. Mattingly, S. D.
Kennedy, Y. L. Ford, H. W. Miller, D. M. Griffith, directors,
their associate members and successors in office, be, and the
same are hereby, incorporated and created a body-politic and
corporate; and by the name of the Mechanics' Saving As- Name and style.
sociation shall have perpetual succession, and be capable
of suing and being sued, plead and being impleaded, in all
courts and places; of contracting and being contracted with; Corporate pow-
ers.
of having a common seal, and the same to make, break, or
alter at pleasure; of acquiring and holding real and personal
estate by purchase, gift, devise, or otherwise, and the same to
sell, mortgage, or dispose of at pleasure.

§ 2. Said association, through its board of directors, shall Directors—their
powers.
have power to make a constitution and by-laws, and to ordain
such rules and regulations as they may deem proper and
necessary for the management of said association, and to
alter or amend them at pleasure; and the constitution, by-
laws, and rules of government, which have been adopted by
said association, shall remain the same until they may be
altered by the directors: *Provided*, That those heretofore
adopted, or those hereafter made, be not contrary to the laws
of this Commonwealth or to this charter.

§ 3. The fiscal, prudential, and financial affairs and business How elected.
of said association shall be managed and conducted by a
board of nine directors; also a secretary and treasurer, who
shall be the executive officers of the association, all of whom
shall be elected by the stockholders. In all election of offi-
cers, and all business transactions requiring the action of the
stockholders, each stockholder shall have one vote for each
share of stock owned. The board of directors shall appoint
one of their number president, and one vice president, and
shall appoint an attorney. The board of directors shall have
power to fill all vacancies in the board, and appoint such
other executive officers as the association may establish. One vote for
each share.

Vacancy—how
filled.

1876.

Secretary and
treasurer to give
bond.

§ 4. Before entering upon the discharge of their respective offices, the secretary and treasurer shall each give bond, with personal security, to be approved by the directors, conditioned that he shall well and truly discharge all the duties of his office, and safely keep and pay over to the association any money or other property which may come into his hands as said secretary or treasurer.

Number of shares

§ 5. The number of shares of stock shall not exceed two thousand five hundred, of two hundred dollars each. When money accumulates in the treasury, without there being a demand therefor, the directors may invest same, as they may deem most advantageous, in securities based upon real estate. Said association shall have power to assess and collect, at such times and upon such terms as they may deem expedient, such contributions, dues, and fines from its members as they may deem necessary and proper to carry out the objects of this association.

Object and pur-
poses of associa-
tion.

§ 6. The objects of this association shall be to afford to its members a safe depository for their weekly earnings, and a safe investment for their savings; to advance its accumulated funds and weekly deposits to its members; to afford relief to its members, by advancements or otherwise, in building and securing houses: *Provided*, All loans or investments shall be based upon first liens on real estate located in Kentucky.

§ 7. In addition to the mortgage or other lien or security which may be given by a stockholder to secure any advance which may be made, or any indebtedness which may be created, a first lien is given to said association upon the interest and stock of such shareholder in said association, to secure the association in said loan or advance or indebtedness.

§ 8. *And be it further enacted*, That all loans and advancements heretofore made by said association to its stockholders, all contracts made, mortgages taken, and other acts done which are not in conflict with the Constitution and statute laws of this Commonwealth and of the Constitution of the United States, are hereby legalized and made as binding on the parties thereto as if said acts had been done and performed under this charter.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

CHAPTER 609.

1876.

AN ACT to amend an act, entitled "An act to incorporate the Cairo and Tennessee River Railroad Company," approved March 10, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever twenty-five thousand dollars of stock shall have been subscribed to the Cairo and Tennessee River Railroad, and five per cent. thereof paid in, then the stockholders may proceed to the election of a board of directors, who shall hold their office for one year, or until their successors are elected and qualified; and there shall be annual election each year thereafter; and in all such elections, as of every other election, or voting upon any proposition by the stockholders of said company, each stockholder shall be entitled to one vote for every share of stock.

§ 2. Said board of directors shall have power to fill all vacancies that may occur in their number until the next regular election.

§ 3. That laborers upon said road, or any persons injured in person or property, shall have a prior lien on the rolling stock or earnings of said road, any mortgage to the contrary notwithstanding.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

CHAPTER 610.

AN ACT for the benefit of Pat. Rush, jailer of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury for the sum of seventy-two dollars and seventy cents, in favor of Pat. Rush, jailer of Hart county, for keeping Prissy Waggener, a pauper lunatic, from December 26th, 1874, until December 15th, 1875.

§ 2. This act to take effect from its passage.

Approved March 10, 1876.

1876.

CHAPTER 611.

AN ACT to incorporate the Lockport and Bethlehem Turnpike or Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and style.
(Objects and
purposes.

§ 1. That a company is hereby created, under the name and the style of the Lockport and Bethlehem Turnpike or Gravel Road Company, for the purpose of making an artificial road with stone or gravel from Lockport to Bethlehem, both points in Henry county, on what may be deemed by the directors the most practicable route, and the following persons are appointed to receive subscriptions of stock: John E. Abraham, Aris James, and E. T. Long, or any one of them.

Capital stock.

§ 2. The capital stock of said company, and the shares into which such capital stock shall be divided, shall be regulated by the majority of the commissioners above named, and may be diminished or enlarged by the president and directors, from time to time, as the exigencies of the case may require.

§ 3. The books for the subscription of stock in said company shall be opened at such times and places, under the direction of a majority of the commissioners above named, as they may deem proper.

When to commence business.

§ 4. As soon as a sufficient amount of stock shall be subscribed, in the judgment of the commissioners, to justify a commencement of said road, the commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and three directors, who shall hold their office for one year, or until their successors shall be elected and qualified, and hold such election annually thereafter.

Officers.

When and how elected.

Nothing herein shall prevent the president from being one of the directors. At the expiration of one year, the president or any two directors may give notice, in writing, to the members of the board, and post three notices in prominent places, calling an election by the stockholders, who shall vote according to the stock each may own, one vote for each share of stock; said notice shall be given ten days before such election. Upon the election and qualification of said president and directors of said company, they shall be a body-politic and corporate, by the name and style aforesaid, and by that name may sue and be sued, hold and acquire and convey all real

One vote for each share.

Corporate powers.

and personal property for the purpose of constructing said road, and keeping the same in repair, and have all other privileges and franchises incident to a corporation. 1876.

§ 5. The stockholders, through their officers, may make any special agreement for the stock to be paid in work, or part work and part money, and when and in what amount the money paid and work done. Said company may also go upon any lands or enclosures contiguous to their road to examine any land, quarries of stone, or other material necessary for the construction or use of said road; and if the directors and owner or owners of said land or other material cannot agree as to price of land or other material, the officers may apply to the Henry county court for a writ of *ad quod damnum* to assess the damages to the land or value of material to be used; and after the verdict of the jury assessing the damage, and a tender of the amount of the verdict to the owner, the company may enter upon said land and make said road, and use the material for the constructing or repairing of said road. Stock—how paid

§ 6. Said road shall be constructed in accordance with the turnpike law of Henry county, and amendments thereto, except as herein provided. Owing to the surface of the county over which the road will pass, the grade of said road may be reduced to fourteen feet from the commencement or beginning of said road at Lockport to a point where said turnpike road intersects the road leading from Pleasureville to Razor's ferry, and shall be received by the commissioner and surveyor, although said road be reduced to fourteen feet wide, and over four degrees to said intersection, and issue the proper voucher to the president of said company to enable him to draw one thousand dollars per mile from the turnpike fund of district No. 2, in Henry county, or the pro rata of one thousand dollars per mile for any fractional part thereof. The company, through their directors, shall have power to occupy, use, and own any county road, or any part thereof, between the points named, as they may need in the construction of said turnpike or gravel road, and so long as the company shall not charge toll. It shall be the duty of the county judge to apportion the hands to work upon and keep the road in repair under the same laws and regulations now in force to work dirt roads. Grade of road.

§ 7. This act shall take effect from its passage.

Approved March 10, 1876.

1876.

CHAPTER 612.

AN ACT to amend the charter of the Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Kentucky River Turnpike Road be, and the same is, so amended as to allow the erection of two gates, at which half toll may be collected, instead of the one now located at Combs' Ferry depot, in Clark county, one of said gates to be erected on said turnpike south of said depot, and one north of said depot, at such points as the directors may deem best.

§ 2. That this act shall take effect from its passage.

Approved March 10, 1876.

CHAPTER 614.

AN ACT to amend section 6, chapter 75, General Statutes, for the benefit of the sheriffs of Metcalfe and Monroe counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the sheriffs of the counties of Metcalfe and Monroe to do and perform all the duties required of master commissioners in respect to the execution of judicial sales which may hereafter be adjudged or ordered by the circuit judge in the counties of Metcalfe and Monroe, with the same force and effect as if performed by the master commissioner of said courts; and it may be the duty of the judge of said courts to authorize the sheriffs of said counties respectively to do and perform said duties unless the parties, or one of them, to the suit shall otherwise direct: *Provided, however,* Before the sheriff shall perform any of the duties required of master commissioners in respect to the execution of judicial sales hereafter required by the circuit judge in the counties of Monroe and Metcalfe, he shall execute bond, in each case, with good security, to be approved by the judge of said court, for the faithful performance of the duties required of him.

§ 2. That all laws in conflict with this act, so far as the

same applies to the counties of Metcalfe and Monroe, are hereby repealed. 1876.

§ 3. This act to take effect and be in force from its passage.

Approved March 10, 1876.

CHAPTER 615.

AN ACT for the benefit of D. P. Johns, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer for the sum of forty-three dollars and thirty-five cents, in favor of D. P. Johns, committee for Henry Tarpley, a pauper lunatic, for expenses incurred by said Johns in conveying said Tarpley to the lunatic asylum at Hopkinsville.

§ 2. This act to take effect from and after its passage.

Approved March 10, 1876.

CHAPTER 616.

AN ACT to establish a district for the purpose of working and keeping in repairs certain roads running into the town of Big Spring, in the counties of Meade, Hardin, and Breckinridge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following boundary is hereby constituted into a district for the purpose of working and keeping in good order the various roads leading into the town of Big Spring, situated in the counties of Meade, Hardin, and Breckinridge, to-wit: Beginning at Howard's Hotel in said town, and extending out from said hotel one half mile on each and every road running into said town of Big Spring.

§ 2. That Green Dowell be, and he is hereby, appointed and made overseer or supervisor of said roads.

§ 3. That said overseer shall hold said position for the term of two years from the passage of this act, and the legal voters of said district shall elect said supervisor at the end of said Dowell's term, and every two years thereafter.

1876. § 4. That said supervisor and his successors shall have power to summons and compel all of the citizens in said district, between the ages of sixteen and forty-five, to work upon the various roads in said district, at such times and places as he may designate.

§ 5. If any person refuse to work, or furnish a substitute to work for him, whenever he is so notified by said overseer or supervisor, he shall be fined two dollars for each and every day that he fails to do so, to be recovered in favor of said supervisor before any justice of the peace in either of the counties above mentioned: *Provided*, The person or persons failing are in sufficiently good health to do so.

§ 6. That if any fines are collected under this act, they shall be applied by the overseer to the repairs of said road.

§ 7. This act to be in force from and after its passage.

Approved March 10, 1876.

CHAPTER 617.

AN ACT to amend an act, entitled "An act to incorporate the Liberty and Green River Turnpike Road Company, in Casey county," approved March 25, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to which this is an amendment is hereby so amended as to authorize the president and directors to construct said Liberty and Green River Turnpike Road at a grade heavier than four degrees, but not to exceed five degrees.

§ 2. That so soon as they have finished said road, and it has been received by the proper authorities, the president and directors thereof shall be authorized to put up two full gates for receipt of toll.

§ 3. This act to take effect and be in force from its passage.

Approved March 10, 1876.

CHAPTER 618.

1876

AN ACT to authorize courts of claims to impose a tax upon dogs for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of each county shall at the same term that said court fixes the county levy, have power to levy a tax of not exceeding two dollars on each dog over three months old in said county; which tax, when so levied, shall be collected and accounted for by the sheriff in the same manner as now provided by law for the collection of the county levy.

§ 2. That the county assessor of each county in which said tax is levied, as provided herein, shall, at the same time he assesses the taxable property of said county, list all dogs owned by each and every person in the county over three months old, giving the name of the owner and number of dogs; and where he finds a dog in the possession of a person, or upon his or her premises, said dog having no owner, it shall be the duty of said assessor to assess said dog or dogs to the person in whose possession he shall find them.

§ 3. That the provisions of this act shall only apply to the counties of Fulton, Hickman, Graves, Clinton, Cumberland, Metcalfe, Monroe, and Laurel.

§ 4. That this act shall take effect from its passage.

Approved March 10, 1876.

CHAPTER 619.

AN ACT to amend the charter of the town of Parkland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Parkland be, and the same is hereby, amended as follows: The corporate boundaries, as defined in the charter of said town, shall constitute the corporate limits thereof. That hereafter the fiscal and municipal concerns of said town shall be vested in five trustees, who shall be elected annually, on the first Saturday in April in each year, by the lawful voters resident therein for the space of sixty days previous to such election. Said trustees shall hold their offices until their successors shall be

Trustees—their duties.

1876. elected and qualified. Before entering upon their duties they shall severally take an oath, before some justice of the peace or notary public, faithfully to discharge their duties. No one shall be a trustee not a resident of said town at the time of his election, and for sixty days previous thereto, nor unless he be an owner of real estate therein. Said board of trustees shall have power to fill any vacancy in their body until the next succeeding regular election. At their first meeting after their election they shall elect one of their body president of said board, who shall be called the mayor of said town, who shall be the chief executive officer thereof. A majority of the board shall form a quorum for the transaction of business, and in the absence of the mayor, may elect a president for the time being.

Vacancy—how filled.

Commissioners.

§ 2. A board of commissioners, composed of W. J. Duncan, C. D. Bell, M. McMasters, Chas. D. Dennis, and Thomas Sale, any three (3) of whom may act, are hereby appointed for the purpose of holding the first election for trustees. Said election shall be held on the first Saturday in April, 1876, at the car-house on Dumesnil street, in the town of Parkland, under the supervision of said commissioners, who shall open polls at said place and keep them open on that day from 8 o'clock, A. M., to 5 o'clock, P. M., and receive the votes of all legal voters in said town that may be offered; and at the close of the polls issue certificates of election to the persons elected under their hands, and thereupon the persons so declared to be elected shall be deemed said board of trustees within the meaning of the preceding section.

Corporate powers.

§ 3. That hereafter it shall be lawful for said board of trustees, in the name of the town of Parkland, to contract and be contracted with, and sue and be sued, in all courts; to have a common seal, alter and amend and change the same at pleasure; and are hereby declared to be a body-corporate and politic. The public ways of said town, including all streets, alleys, sidewalks, heretofore dedicated as in the original plan of said town now recorded in Jefferson county court clerk's office, and such extensions of the same as may hereafter become necessary and proper, are hereby declared to be in the exclusive control of said board of trustees, with power to construct and reconstruct for the convenience and comfort of the inhabitants of said town.

§ 4. If the owners of the majority of the lots of said town fronting upon any public way therein, or any part of any public way therein, shall petition the board of trustees therefor, the whole of such public way, or such part thereof as may be petitioned for, shall be constructed at the exclusive cost of property-owners binding on said public way, or part thereof; and each lot owner shall contribute towards the cost thereof in proportion to the number of front feet binding on such public way, in which shall be estimated the cost of intersections, all to be provided for by ordinance of said board, duly passed and posted up in some public place in said town for at least ten days before the improvement shall be begun. The trustees may permit the owners of lots to make either the streets or sidewalks in front of their property, if permission to do so be applied for within said ten days. All work and materials done or furnished under this section shall be let to the lowest bidder, of whom bond and good security shall be required for the faithful performance of his contract; and the cost of said improvement, when completed to the satisfaction of the board of trustees, and apportioned among lot-owners as aforesaid, shall be a lien upon said lots and demand against the owner thereof, which may be enforced either by proceedings against the lot or personally against the owner in any court of competent jurisdiction.

§ 5. In order to raise a fund for the construction of such carriage ways in said town as the necessities, prosperity, and advantage of the lot owners therein may require, it shall be lawful for said town of Parkland to borrow money upon the faith and credit of said town, and of the taxes hereinafter authorized, in a sum not to exceed one hundred thousand dollars, at a rate of interest not to exceed ten per cent. per annum; and in order to secure the same, may issue to the lenders of such money corporation bonds in such amounts as may be deemed proper, not exceeding one thousand dollars each, with proper coupons for semi-annual interest attached, said bonds being made payable to bearer, and having not longer than thirty years to run, and payable at such place in the city of Louisville, both principal and interest, as may be designated in the face thereof: *Provided, however,* That said bonds may also be sold to raise said money at a price to be fixed by the board of trustees; and that not more than

May borrow money.

May issue bonds.

Rate of interest.

1876.

How paid.

twenty-five thousand dollars of such bonds shall be issued or used during any one year; that the proceeds of such bonds shall be applied to the construction of the carriage ways of said town, and for no other purpose.

§ 6. That whenever it shall be determined by the board of trustees that the carriage way of any street in said town shall be constructed out of the proceeds of such bonds, the same shall be done under and by virtue of, and in accordance with, the provisions of an ordinance providing therefor; and when completed, an annual tax shall be imposed upon the property fronting on said improvement for the amount in the judgment of the board of trustees necessary to pay the interest on the cost thereof, which shall be apportioned among lot-owners in proportion to the number of feet owned by them and adjoining said improvement, which tax lot-owners shall pay into the treasury at such time and in such manner as may be required by ordinance.

§ 7. The bonds to be issued under the preceding section shall be denominated Parkland improvement bonds, and the taxes directed to be levied and be collected shall be denominated street taxes; and such taxes shall never be used for any other purpose than the payment of the interest on said bonds.

Trustees may
levy and collect
an annual tax.

§ 8. For the purpose of raising a sinking fund for payment or retirement of said bonds at or before maturity, said board of trustees are hereby authorized and empowered to levy and collect an annual tax upon all real estate in said town not exceeding one per cent. upon each one hundred dollars of value thereof; and such taxes shall never be used for any other purpose, and shall be known as a sinking fund tax; said sinking fund may be invested in bonds of the State of Kentucky, or of the United States, or of the city of Louisville, or in Parkland improvement bonds; and it shall be the duty of the board of trustees to pass and enforce all the necessary ordinances for the protection, security, and improvement of said sinking fund.

May levy and
collect a general
tax.

§ 9. That for other municipal purposes said board of trustees may cause to be levied and collected a general tax upon all the property in said town liable to taxation for State purposes of not exceeding seventy cents upon each one hundred dollars of such property, to be known as a general expense tax.

§ 10. It shall be the duty of said board of trustees to hold 1876.
 monthly meetings, at some point in said town to be desig- Meetings of
board—when
held.
 nated by themselves, and to cause a record to be made of all
 their acts and doings, and for that purpose may appoint a
 secretary; they shall also elect a marshal annually, on the last Marshal—when
elected.
 Saturday in April in each year, and who shall continue in
 office for one year, and until his successor is elected and qual-
 ified; they shall require of him a bond, with good security, to Shall give bond.
 be approved by themselves, for the faithful performance of all
 such duties as they may impose upon him by ordinance or
 by-laws; said marshal is hereby invested with all the rights,
 powers, and jurisdiction of a constable of Jefferson county.
 The board may by ordinance require of said marshal to per-
 form the duties of town assessor and tax collector; and also
 to act as their secretary. He must be a resident and owner of
 real estate in the town of Parkland during his term of office:
Provided, however, That the first marshal may be elected any Term of office.
 time during the year 1876, who shall continue in office until
 the last Saturday in April, 1877, and the board of trustees
 may at any time fill vacancy in said office; they shall pre-
 scribe his duties by ordinance or by-law in regard to the col- His duties.
 lection of said taxes, the time when to be collected, and when
 and how to be paid over, and the mode of making assess-
 ments, and when and how the same are to be returned to
 them, and also his duties as secretary to themselves; and
 they may, when necessity requires it, appoint any other and
 further officer of said town, to whom they may assign any of
 the duties aforesaid, in which case, such officer and duties
 shall be regulated by by-laws or ordinance; and the board of
 trustees shall have the power to remove said officer or any
 other officer at their pleasure. Copies from the records of the
 board of trustees, certified by their secretary under the cor-
 porate seal, shall be received as evidence in all the courts of
 the Commonwealth.

§ 11. Said board of trustees shall annually cause the prop- Trustees to
make assessment.
 erty in said town liable to taxation, as hereinbefore provided,
 to be assessed for taxation as of the 10th of May of each
 year; and cause said assessment to be verified by the oath of
 the marshal, or other officer making the assessment, and upon
 the same they shall direct the amount of taxes to be collected
 of each kind, and cause a list of said property and persons
 from whom due to be made and delivered to said marshal, or

1876. other tax collector, who shall at once proceed to collect the same. In collecting said taxes any of the personal property not exempt from execution belonging to the persons from whom said taxes are due, situated within the limits of Jefferson county, may be levied upon and sold for cash, after having been first advertised as similar sales of like property are advertised when sold under execution, such sales to be made at the court-house door in Louisville; or said collecting officer may levy upon the real estate, or any interest therein belonging to the owner, and proceed to advertise and sell the same for cash, after having advertised as in case of sales of similar property when sold under execution; and in all such cases such officer shall make a record of all levies and sales, the amount received, the persons to whom sold, which shall be returned to and preserved by the board of trustees: *Provided, however,* That all such sales of real estate shall be made at the court-house door in Louisville: *And provided further,* That persons whose real estate has been sold, or any creditor of theirs, or any one claiming under them, shall have the right to redeem by paying the amount of taxes and cost of sale, and twenty per centum per annum damages, if so done within one year from the time of such sale, saving to infants and persons of unsound mind and married women such right of redemption for one year after such disability is removed. After the right of redemption as aforesaid has expired, it shall be the duty of said board of trustees to cause deeds to be made to the purchaser, his heirs or assigns, by the mayor and secretary of said town, which, when recorded, shall vest the grantee therein with good title to the property so sold; and said board of trustees shall have full power and authority to carry into effect all rights and powers herein granted to them.

Trustees may
pass by-laws, &c.

§ 12. The board of trustees shall have power to pass by-laws for the suppression of tippling-houses, bawdy-houses, and such other houses and places as are the resort of idle, dissolute, and disorderly persons, suppress the retailing of spirituous or malt liquors, and to punish all riots, disorderly conduct, drunkenness, and breaches of the peace, and prescribe appropriate penalties for all violations of such by-laws; they shall have power to license all stores, theatres, shows, exhibitions, places of public amusements, taverns, houses of entertainment, coffee-houses, and other houses of public resort, and to

prescribe appropriate penalties for not complying with the by-laws in regard thereto; and the mayor of said town is hereby invested with full judicial power to hear and determine cases of all infractions of the by-laws or of the laws of the Commonwealth cognizable before a justice of the peace; and all fines imposed under judgments rendered by him shall be enforced in the same manner as if imposed under judgment of a justice of the peace; and the proceeds of such fines and licenses shall be paid into and constitute a part of the sinking fund aforesaid; and said marshal, when performing the duties of a constable, and said mayor, when performing the duties of a justice of the peace, shall be entitled to the same fees as constables and justices of the peace for like services.

1876.

§ 13. That all provisions of the charter to which this is an amendment inconsistent herewith are hereby repealed.

§ 14. This act to take effect from and after its passage.

Approved March 10, 1876.

CHAPTER 620.

AN ACT to amend the charter of the Salvisa and Kirkwood Turnpike Road Company.

WHEREAS, The Salvisa and Kirkwood Turnpike Road Company have, at great expense and labor, built about nine and one half miles of road under their charter, and are now operating the same, and the tolls are insufficient to keep up the same, and doubts exist as to whether said company have the right to erect more than one gate on said road, and two gates are necessary for the purpose of collecting the tolls on the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The said company shall have the right to charge and receive the same amount and rate of toll as if the said road was ten miles long, and in charging toll, may count said road ten miles.

§ 2. Said company are hereby authorized to erect and locate a second gate at a point on said road about one half of a mile from Salvisa, at or near the point where the dirt road

1876. intersects the same, or as near thereto as convenient; and said company may charge at each gate the same amount of toll as is now regulated by law.

§ 3. The location of the second gate shall not in any way interfere with the first gate.

§ 4. This act shall take effect from its passage.

Approved March 10, 1876.

CHAPTER 621.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chief executive officer of said city shall be styled the Mayor, and shall be elected by the qualified voters thereof for a term of three years, and until his successor is qualified; and he shall be ineligible to that office for three years after the expiration of said term.

§ 2. That all laws and parts of laws coming in conflict with this are hereby repealed.

§ 3. That this act take effect and be in full force from and after its passage.

Approved March 10, 1876.

CHAPTER 622.

AN ACT to amend an act, entitled "An act to incorporate the Ancient Order of United Workmen."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Ancient Order of United Workmen, approved February 11, 1873, be, and is hereby, amended by striking out of section eight all after the word "money," in the eighth line of said section.

§ 2. Any lodge organized and working under said charter and this amendment is hereby exempt from the insurance laws of this Commonwealth.

§ 3. This act shall take effect from and after its passage.

Approved March 10, 1874.

CHAPTER 623.

1876.

AN ACT to incorporate Mount Tabor Church and Burial Grounds, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Wm. Thoroughman, James M. Fitch, George W. Thoroughman, and J J. Fitch, and their associates and successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the Mount Tabor Cemetery Company; and by that name shall be able and capable in law to have and use a common seal; to sue and be sued, plead and be impleaded, and do all such other things as are incident to such a corporation. The said corporation shall have power to purchase or acquire title to any quantity of land in the county of Lewis, not exceeding five acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The lands and appurtenances, when conveyed to said company, shall be held solely and exclusively for a cemetery and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said company for any other purposes than burial lots, as hereinafter provided. The said company may receive and take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds, and invest in State stocks, or loans out of any spare funds that, from time to time, they may have; but they shall never exercise, or attempt to exercise, any banking powers.

Corporators.

Name and style.

Corporate powers.

May acquire and hold land.

§ 2. The affairs of said company shall be managed by seven directors, who shall elect one of their number chairman, the said directors to be chosen annually by the lot-owners from among their number, on the first Saturday in April in each year; and if, for any cause, the election is not held at this regular annual meeting, it shall be held at the next lot-holders' meeting. The said directors shall hold their offices for one year, and until their successors are regular elected.

Directors.

When elected.

Term of office.

§ 3. The said directors shall have power to appoint a treasurer, secretary, sexton, and other officers as they may think necessary, and take from them such bonds as may be required. The secretary shall keep a full and fair record of all the proceedings of the corporation; and shall always pre-

Officers.

Record to be kept.

1876. serve an accurate map and survey of the grounds and lots, and the same shall be recorded in the county court clerk's office of Lewis county. The funds arising from the sale of lots for burial purposes, and all other funds of the corporation, shall be held and used exclusively for keeping said grounds in repair and ornamenting and improving the same.

Power of directors.

§ 4. The said directors shall have power to lay out and ornament said grounds, and, from time to time, alter and repair the same, and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery grounds. They shall have power to lay off, sell, and convey burial lots, either at private or public sale; to make, from time to time, all such by-laws, rules and regulations, as may be necessary for the purposes of the corporation. They may levy a tax on the lot owners in said cemetery to raise the necessary funds for keeping said grounds in repair.

Title—how vested.

§ 5. When a burial lot is purchased, the directors shall give a certificate thereof; under the seal of the company, which shall vest the purchaser with title: this may be transferred according to such rules and regulations as may be prescribed by the company, but in no other way; if not transferred by the grantee, it shall descend or pass by devise as other real estate. Such lots shall never be used for any other purposes than burial lots, and if applied to any other purpose, the title shall revert to the corporation.

§ 6. The said directors shall have power to forfeit any lot or lots in said cemetery grounds taken up by any person or persons who shall fail to make payment for such lot or lots; and where any interments have been made on any such lot or lots, the directors shall have the power to enter upon the same, and remove or cause the bodies to be removed to the public grounds in said cemetery: *Provided*, That the said directors shall, before forfeiting any such lot or lots, give a written notice to the person or persons in whose name such lot or lots are entered, of at least thirty days before such action; and if such person or persons cannot be found, then said notice is to be posted on said lot or lots for sixty days before such action.

Tresp. ss—how punished.

§ 7. If any person shall forcibly or unlawfully violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or injure any of the grounds or inclosures of the company, such person or persons so of-

fending, besides being liable to an indictment for misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation, or to the owner of a lot, in an action for whatever damage may be committed. 1876.

§ 8. The directors shall have power to issue bonds, not to exceed the sum of five hundred dollars, to run not longer than five years, and to draw a rate of interest not to exceed six per cent. per annum. Bonds may be issued.

§ 9. This act shall be in force from its passage.

Approved March 10, 1876.

CHAPTER 624.

AN ACT to amend the charter of the city of Louisville, and directory to the board of commissioners of public charities of said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of commissioners of public charities for the city of Louisville shall not hereafter use or direct the labor of convicts in the city work-house in such manner as to compete with the laboring classes outside of said work.

§ 2. *Be it further enacted,* That said commissioners shall hereafter be required to cause convicts in said work-house to work in the stone quarry, prepare curbing for streets and material for macadamizing streets in Louisville, and do other useful labor on the public property, so as not to come in competition with labor not under the control of said commissioners.

§ 3. *Be it further enacted,* That this act shall be in force from its passage.

Approved March 10, 1876.

CHAPTER 625.

AN ACT to incorporate the Grassy Flat Ditch Company, of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Wm. Shelby, James M. Herr, James Glenn, John A. Barr, John F. Barr, Charles R. Barr, C. S. Phillips, J. W. Perry, Wm. M. McCallister, Wm. B. Carter, Clinton Griffith, Corporators.

1876. and J. Z. Moode, being the principal land-owners of that section of land in Daviess county known as the Grassy Flat, the said flat commencing on the land of Clinton Griffith, about two miles southwest of the city of Owensboro, and running thence in a westerly direction through the lands of the parties heretofore named, to the Owensboro and Calhoon road, crossing the said road; and thence turning gradually, in a southeastern direction, and recrossing the same road, and running to a ravine which empties into Panther creek, a ditch having already been cut a greater part of the distance through the said flat—the said flat is supposed to contain about three thousand acres—shall be, and they are hereby, created a body politic and corporate, by the name and style of the Daviess Grassy Flat Ditch Company; and they and their successors shall have perpetual successions, and full power to drain and to keep drained the said Grassy Flat at the costs of such sums of money as may be subscribed for the purpose; and to make all necessary contracts, to sue and be sued, to plead and to be impleaded, in all courts; to appoint necessary officers and agents for the purpose of carrying into effect the provisions of this act, who shall be under the control of said company, and to make such by-laws for the government of company, and for the management of its prudential concerns, as they may deem expedient, not contrary to the laws of this State or of the United States, and generally to do all acts or things that a corporation for limited purposes may lawfully do.

Name and style.

Corporate powers.

May enact by-laws, &c.

Directors and officers.

How and when elected.

Right of way—how acquired.

§ 2. That on the first Saturday in April, 1876, and on the first Saturday in May in each year thereafter, the members of this company shall meet at the court-house in the city of Owensboro, and after selecting a clerk, proceed to elect a president and four directors, at which election all persons owning land in the said Grassy Flat shall be entitled to vote, and the president and directors shall hold their offices for one year, or until their successors are elected, with power to fill vacancies during their term, and such other persons as this act shall confer.

§ 3. That the president and directors shall have the right to acquire, by deed of gift, purchase, or otherwise, a right of way for all necessary sites for drains; and in case the parties cannot agree, they may apply to the county court of Daviess

county, and have the right of way condemned as public roads are condemned in this Commonwealth, except that a certified copy of an engineer's or surveyor's report of a drain shall be in place of the report of commissioners under the road law, and be considered in favor of the drain or right of way, and may be acted on as soon as the parties shall be notified; and the court shall have the same power to condemn the right of way, and establish the drain or ditch, that it has to open and establish a road; and the drain or ditch shall be a public highway forever, to be used as a water-way for the successful drainage of the said Grassy Flat: *And it is further provided, That the said ditch shall be kept free from cross fences and all other obstructions, to the flow of the water; and any bridges which are or may be built across it shall have the bottom of the sills at least one foot above high-water mark; but it is understood that the said president and directors shall not have the right to condemn a greater width than twenty-five feet.*

1876.

§ 4. That the president and directors shall have power to call out the hands living on the lands interested in the drain or ditch to clean out and to keep the same open, and any hands refusing to attend and assist in the work when notified shall be fined not less than one nor more than five dollars for such failure, to be recovered before any magistrate of the district.

§ 5. This act shall take effect from and after its passage.

Approved March 10, 1876.

CHAPTER 626.

AN ACT to authorize the county court of Webster county to issue bonds, and to levy a tax to pay the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Webster county is hereby authorized to issue not exceeding \$15,000 in county bonds, to be denominated jail bonds, which bonds shall bear interest at the rate of ten per cent. per annum, and the proceeds of said bonds shall be used in the erection of a jail and jailer's house or jail, and for no other purpose.

1876. § 2. Said bonds shall be for one hundred dollars each, and shall be signed by the judge and clerk of said county court, one fifth of which shall be due and payable on the first day of April, 1877, at the Farmers' Bank of Webster, at Dixon, Kentucky, and one fifth each on the first of April in each of the next four succeeding years.

§ 3. The interest on said bonds shall be payable semi-annually by coupons on the first days of April and October, which coupons shall be signed by the clerk of said court.

§ 4. To enable said county to pay off said bonds and interest, the court of claims of said county is hereby authorized, in addition to the taxes now authorized by law to be raised, to levy one dollar on each poll in said county, and fifteen cents on each one hundred dollars' worth of property listed for taxation each year, till the same are paid; and it shall be the duty of said court to levy so much each year as may be needed to pay off the bonds and interest as they may mature.

§ 5. The Farmers' Bank of Webster is hereby appointed agent of said county to sell said bonds under the directions of the court, and L. M. Rice is appointed her treasurer to receive, hold, and disburse the money, which shall be paid only on the order of such commissioners as may be appointed to build said jail, which orders shall be countersigned by the judge of said court. In default of said bank in acting as agent, or Rice as treasurer, said court may appoint an agent or treasurer for that fund. The agent and treasurer must give bond to said county for the faithful discharge of said duties.

§ 6. The sheriff of said county shall collect said taxes under the same responsibilities and covenants, which shall be separate, as other taxes of said county, and shall, on the 25th day of September in each year, pay to the treasurer a sum sufficient to meet the interest on said bonds due on the first day of October succeeding; and on the 25th day of March in each year shall pay him enough to pay the interest and bonds maturing on the first day of the April succeeding, and may be required, from time to time, to pay over any surplus in his hands.

§ 6. Contractors on said jail must be required to give bond sufficient to protect the county against loss, and to insure good faith in the discharge of their contracts.

§ 7. Prior to the first of June, 1876, the justices of said County shall be assembled to make a levy under this act, which shall be collected in the year 1876. 1876.

§ 8. This act to take effect from its passage.

Approved March 10, 1876.

CHAPTER 627.

AN ACT for the benefit of the creditors of the Montgomery and Bath Stock Association.

WHEREAS, A number of persons, citizens of the counties of Montgomery and Bath, voluntarily formed themselves into an association, styled the Montgomery and Bath Stock Society, for the purpose of promoting the agricultural interests of the community; and whereas, said association acquired money and property, and contracted debts which still remain unpaid, although said association has now for years past ceased to act and to exist, and the money belonging to the same was loaned out by Thomas M. Summers, its former secretary, and notes taken by him therefor, payable to the president and directors of the Montgomery and Bath Stock Society, and their successors; and said association, never having been incorporated by an act of the Legislature of Kentucky, serious doubts exist as to the right of said association to sue, and as to the right of its creditors to maintain suits against it; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Summers and J. A. Young, or either of them, be, and they are hereby, authorized to sue in their names, for the use and benefit of said association, for any debt and demand claimed to be due and owing to said association, to collect the same, and to pay, out of the funds when collected, all debts owing by said association if the funds be sufficient; and if not sufficient to pay all of said debt, to pay them pro rata; and if there shall be any surplus after the payment of debts, it shall be paid into the county treasury, and be applied to the payment of the debts of the county.

§ 2. As doubts exist whether creditors of said association could have maintained suits against it for their debts, it is further enacted that time which has elapsed from the period

1876. of the creation of their debts till the passage of this act shall not operate as a bar to their claims or demands, or against said association.

§ 3. This act to be in force from its passage.

Approved March 10, 1876.

CHAPTER 629.

AN ACT to incorporate the German Evangelical Zion's Church, of Owensboro, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Trustees.

Name and style.

Corporate powers.

§ 1. That George Schmitt, Thomas Neubauer, Adam Steitler, Jacob Darr, and Henry Lutzens, and their successors in office, be incorporated, by the name of the German Evangelical Church, of Owensboro; and by that name shall have perpetual succession; may sue and be sued, implead and be impleaded; may purchase, receive, and otherwise acquire and hold property, real, personal, and mixed, and may sell, lease, and otherwise dispose of the same; may have a corporate seal, and change the same at pleasure; and may make contracts and adopt by-laws not inconsistent with the laws of this Commonwealth.

§ 2. That the five persons named in the first section of this act be, and they are hereby, constituted corporation officers of said church, to be called trustees, who shall severally hold their offices, and transact the business of the said corporation, for the period of two years, and until others shall be chosen to fill their places, with power to fill any vacancies which may occur.

§ 3. The trustees shall be governed by the constitution of the society of the German Evangelical Church, of Owensboro, and by such by-laws as they themselves may, from time to time, adopt.

§ 4. That all the real and personal estate at present belonging to, or held in trust for the use and benefit of, said church and its congregation, be vested in the corporation created by this act; and that this act shall be subject to amendment or repeal at the discretion of the Legislature, and shall go into effect from its passage.

Approved March 10, 1876.

CHAPTER 630.

1876.

AN ACT to incorporate the Muldrough's Hill Lithographic Stone and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Hon. Martin H. Cofer, Hon. Wm. B. Read, James D. Cully, Oliver Quin, S. H. Bush, and Samuel Williams, and their associates and successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Muldrough's Hill Lithographic Stone and Mining Company, for the purpose of engaging in the business of quarrying and raising lithographic stone; erecting, operating, and carrying on saw-mills, and erecting all other buildings and machinery necessary for the purpose of preparing lithographic stone ready for the market; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts; may have a common seal; may make all necessary by-laws for the transaction of business, and for the government of the company, and the same to alter or repeal, from time to time, not inconsistent with the Constitution and laws of the State; and generally to do any and every lawful act that private individuals can or could lawfully do in carrying on successfully the operations above enumerated, together with all other such rights and privileges as may be necessary in carrying on the business or operations aforesaid, by the purchase or lease of any real estate, not exceeding in value one half of the capital stock of said company, or personal property, rights, or privileges whatsoever.

Corporators.

Name and style.

Object and purposes.

Corporate powers.

May acquire and hold real estate.

§ 2. The capital stock of said company shall be one hundred thousand dollars, which may be increased by the board of directors not exceeding two hundred and fifty thousand dollars, which may be divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws of the company.

Capital stock.

§ 3. That it shall be lawful for the president and board of directors of said company, from time to time, to borrow money, or obtain loans of money, on such terms as they may deem expedient for the prosecution of the business of the company: *Provided*, Such sum or sums borrowed shall never

May borrow money.

1876.

exceed ten thousand dollars; and to pledge or mortgage any of the real estate, improvements, privileges, effects, or assets whatever of said company for the repayment of said sums so borrowed; and may issue any character of bond, or other evidence of responsibility, or dispose of any portion of its property deemed advisable, and convey the same by deed or otherwise.

Directors.

§ 4. The affairs of the company shall be managed by six directors, one of whom shall be elected by the board president, all of whom shall be stockholders in said company; the first board shall consist of Hon. Martin H. Cofer, Hon. Wm. B. Read, S. H. Bush, J. D. Cully, Samuel Williams, and Oliver Quin, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said company; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected and qualified. If from any cause any of the directors shall decline or refuse to act or die, either before or after their election and qualification, a majority of the others shall fill the vacancy by appointing some one else. The company, or any of them, may open books and receive subscriptions to the capital stock of said company; and whenever one thousand dollars are subscribed, and ten per cent. thereof paid, a new board of directors may be elected, who may make such calls of payment of stock as they may deem proper, not to exceed thirty per cent. for every thirty days; and in default of payment, the by-laws of said company may authorize a forfeiture of the stock.

Term of office.

Vacancies—how filled.

Stock may be forfeited.

Secretary and treasurer.

Treasurer to give bond.

§ 5. The board of directors may elect a treasurer and secretary. The treasurer is required to execute a bond to the company in a sufficient amount for the faithful performance of all his duties, and the directors may require him at any time to renew his bond, and the board may remove him whenever they see proper.

One vote for each share.

§ 6. Each share of stock shall entitle the holder thereof to one vote at the election of directors, or in the stockholders' meetings for any purpose, and must be voted by the holder in person, or by virtue of a written proxy signed by the holder; and no person shall be voted for or hold the office of director who does not at the time in good faith own, in his own exclusive right, at least one share of the capital stock of said company: *Provided, however,* That any stockholder may at any

time call a meeting of stockholders; and if the holders of three fourths of the stock deem it prudent to do so, they may remove any of the directors, or all of them, and the president also, and elect a new board.

1876.

§ 7. The company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and proceeds of sales among the stockholders pro rata according to the amount of stock held by each.

May declare dividends.

§ 8. Nothing in this charter shall be so construed as to confer banking privileges to this corporation.

§ 9. That all meetings of stockholders shall be published in the Elizabethtown News at least ten days before the meeting; and that all elections of officers shall be published at least twenty days before the election in the Elizabethtown News, except where there is a vacancy, and then no notice is to be published.

Meetings to be advertised.

Approved March 10, 1876.

CHAPTER 631.

AN ACT to establish an institution of learning in or near the town of Proctor, in Lee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning be, and the same is hereby, established in or near the town of Proctor, in the county of Lee, to be known by the name and style of the Saint Paul's High School, and to be under the exclusive control of the Protestant Episcopal Church.

§ 2. That the Reverend Walter Tearne, and Thomas Pryse, and Daniel Scott, are hereby appointed a board of trustees and body-politic, and as such shall have perpetual succession; may sue and be sued, and contract and be contracted with; and as such may purchase, hold, or convey any property, real, personal, or mixed, money, or chose in action, for the benefit of said institution.

§ 3. Said trustees may attach a parish church to or adjoining the school buildings; may receive donations of money or property, or further subscriptions, if necessary, for the purpose of assisting in the erection of the school and church

1876. buildings, or for either purpose; also for the purchase of libraries or chemical apparatus, for the employment of teachers, or for any other purpose connected with said institution.

§ 4. They may purchase lands not exceeding fifty (50) acres, lay out grounds, and erect all the necessary buildings for said purposes, and shall have full control over the buildings and property of said institution; may pass any by-laws or rules necessary for its protection not in conflict with the Constitution of this State.

§ 5. Said board may appoint one of its members chairman, and a majority shall constitute a quorum to do business; and when a vacancy in said board may occur from any cause, it shall be the duty of those remaining in office, or the survivor, to fill such vacancy or vacancies within ten days thereafter. Said board may appoint a secretary and treasurer; may require bond with security from the treasurer, payable to themselves, for the faithful discharge of such duties as may be required of him by said board in receiving and disbursing any money or thing belonging to said institution.

§ 6. Said board shall keep a record of all their proceedings of each meeting to be recorded, read, approved by the board, and signed by the chairman, and attested by the secretary, which record shall be legal evidence in the courts of this State. Said board at any time, for good cause shown, may remove said secretary or treasurer, and put others in their stead; may make provision for their salaries, the purchase of books, stationery, etc., necessary to carry out the objects of this section.

§ 7. The rector in charge of the church shall be president of the high school, and he, together with a majority of the board of trustees, are empowered to employ teachers for said school, prescribe the branches to be taught, and regulate the fees for tuition; make all rules and regulations necessary for the good government of said institution; may grant diplomas, certificates of merit, or other evidence of advancement or credit to students, or confer other honorary appointments.

§ 8. All offices created by this act shall be filled by members of the Protestant Episcopal Church, and, before entering upon their duties, shall be required to take an oath faithfully to discharge their duties. The board of trustees appointed under this act shall, immediately after its passage, qualify themselves, and hold their office until death, resignation, or

removal out of the county, subject, however, to be removed by a majority of their body for a violation of the rules or by-laws adopted by them. The secretary and treasurer shall hold their offices during the pleasure of the board of trustees. 1876.

§ 9. All male members of the Protestant Episcopal Church, over the age of twenty-one years, who have resided in Lee county for one year last past, shall be eligible to hold the offices provided for in this act.

§ 10. It shall be the duty of every trustee, treasurer, or secretary, within ten days after they go out of office, to surrender to their successors any books, papers, money, or property of any kind belonging to said institution.

§ 11. The board of trustees is empowered to make all needful by-laws and regulations for erecting and keeping in repair the necessary buildings and fencing and laying out the grounds; but all appropriations for paying the current expenses of the schools, or expenditure of money for any purpose, must be entered upon their records; a copy of the same, certified by the secretary, shall authorize the treasurer to pay it off: *Provided*, That in no case shall the treasurer pay out money or do any other act only upon the order of the board of trustees, passed, signed, copied, and certified as provided in this act, which copies shall be his only legal voucher in a settlement with the board: *Provided further*, That no deed conveying real estate belonging to said corporation shall pass title until it is signed and acknowledged by all the members of the board of trustees.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

CHAPTER 632.

AN ACT to incorporate the Summitt's Station Turnpike Road Company, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Summitt's Station Turnpike Road Company is hereby incorporated and created a body-politic, with perpetual succession, and by the aforesaid name may contract

1876. and be contracted with, sue and be sued, answer and be answered, &c., with power to acquire, hold, use, and possess all such real and personal estate as may be necessary or convenient to construct a turnpike road from the Maysville and Lexington Turnpike, at a point near James H. Johnson's farm (in Nicholas county); thence by the nearest, most eligible, and practicable route, through his land and near the dwelling-house of B. G. Orr; thence by Summitt's Station, and through or near the farm of Luke Collier, to the Millersburg and Cynthiana Turnpike, at or near Zed. Layson's dwelling-house; and said company may make and ordain all such rules and by-laws as may be proper for the construction or repair of said road, and the management of its prudential and financial concerns.

§ 2. That the width of said road shall not be less than thirty feet at any point, and the artificial part of gravel or stone shall be fixed by the directors, as also the grade of said road; and said company shall have the right to construct bridges over the different creeks crossing said road.

§ 3. When said road shall have been completed, said directors may establish a toll-gate at such point on said road as they may think right; but the rates of toll at said gate shall not exceed the rates now fixed by the General Statutes for gates standing five miles apart.

§ 4. The president and directors, or their engineer, shall have the right to enter upon any lands and survey out said road, and examine any gravel pits or quarries or timber necessary for the construction and repair of said road, on any lands adjoining or near said road; and if no private agreement can be made with the owner for the same, the board of directors may apply, by petition, to the county court of the county where the land lies upon which the gravel, rock, or timber is situated, or the part of the road in regard to which the right of way is refused; and it shall be the duty of said court at its next term beginning not less than five days after the service on the owner of said land, gravel-bed, quarry, or timber of a summons on said petition, to issue a writ of *ad quod damnum* to assess the damages which such owner of said land, gravel-beds, quarries, or timber may sustain; and the jury shall take into consideration, in assessing the damages, the advantages and disadvantages of said road to the residue of said land. Said writ shall be directed to the sheriff of

1876.

said county, who shall, in ten days after the order for said writ, summon a jury of twelve men, qualified as prescribed by section eight, article one, chapter ninety-four, General Statutes, to meet on the premises, of which the owner shall [have] three days' notice; each party shall have three peremptory challenges. After the jury is selected, the sheriff shall swear them as in the cases of writs of *ad quod damnum*, preside during the trial, issue subpoenas, swear witnesses, and decide all points of law arising on the trial, and shall return the writ to the county court with the verdict of the jury; and the said company, upon payment of the sum fixed in the verdict to the party claimant, his agent or attorney, or if he has no agent or attorney, by paying to the clerk of said court for said claimant, or by tendering it to either of said parties, shall be vested with the right of way, and to control and use all gravel-beds, quarries, or timber so condemned as aforesaid. Either party may, within two days after the return of the writ, file exceptions to the verdict, and the same shall be thereafter tried by the judge of said county court. The right of either party to appeal from the decision of the county judge upon said exceptions shall be the same as is now fixed by law as to amount governing appeals from the county to the circuit court, and thence to the Court of Appeals.

§ 5. But the said company shall not, in the meantime, be hindered in the prosecution of their work by the pendency of the exceptions, after a tender; but may proceed and have all the rights to the same extent as if said sum had been accepted. The party who fails in sustaining his exceptions shall pay the costs, for which execution shall issue as in other cases.

§ 6. Zed. Layson, Ben. Thomasson, Luke Collier, Nimrod Wood, and B. G. Orr are hereby appointed commissioners to open books and receive subscriptions of stock to the capital stock of said company, either or all of whom may act. The capital stock of said company shall not exceed ten thousand dollars, and shall be divided into shares of fifty dollars each.

§ 7. Whenever three thousand dollars or more is subscribed, ten days' notice shall be given in the county newspaper, if any is published, if none, then by three or more written notices posted up at the most public places along said pro-

1876. posed road, of the time and places of meeting of the stockholders, who shall have one vote for every share of stock, and may vote in person or by written proxy; and they shall proceed to elect a president and four directors, a treasurer and secretary, all of whom shall hold their office for twelve months, and until their successors are qualified. Elections shall thereafter be held annually at such times and places as the board of directors may direct, notice of which shall be given as above directed for the first election, at which elections, except the first, the county judge, in person or by written proxy, may vote the county stock in said company. The treasurer shall execute bond, with good security, for the discharge of such duties as the directors may impose upon him, and the safe-keeping and payment of all sums of money which he may receive to the order of the president and directors, upon which bond or covenant he and his securities may be sued for any breach. Said bond shall be filed with the county clerk of Nicholas county, and by him safely kept; and each successive treasurer shall execute a like bond, to be approved by the president and directors, and filed as aforesaid.

§ 8. As soon as said election is held, said president and directors shall constitute and be a body-politic and corporate, under the name and style aforesaid, and be vested with all the powers hereinbefore specified, and shall have perpetual succession, and have all the franchises, rights, and powers usually granted to similar corporations.

§ 9. The secretary shall keep a book showing all the proceedings of the president, directors, and treasurer, which book shall be open at all times to the inspection of the county judge or attorney, or to any stockholder. A majority of directors shall constitute a quorum to transact business.

§ 10. As soon as the president and directors organize as a board as aforesaid, they shall have the said road located by a competent engineer along the route as prescribed in section one.

§ 11. The president shall give notice of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall fail to pay his amount of stock so called for, for the space of sixty days after it is due, it shall draw ten per cent. interest; and if not paid in six months, the stock of such stockholder shall be forfeited to the company; and the president shall sell said forfeited stock at public sale, and the

proceeds shall go into the treasury of the company. No stockholder shall at any time vote after the first election who has not paid up all calls on his stock.

1876.

§ 12. That if any person shall go around or turn off said road, with intent to avoid the payment of toll, he or they so offending shall be fined ten dollars, to be recovered by a warrant before any justice of the peace for the use of the road; and said judgment shall be collected as other judgments or fines are collected.

§ 13. That whenever said president and directors shall make proof to the county judge that one mile of said road has been completed, and is ready for travel, the judge of the county court may subscribe, for and on behalf of Nicholas county, to the capital stock of said company, stock not exceeding one thousand dollars to the mile for each mile of said road; and at the time of the making of said subscription, or as soon after as practicable, the county judge, a majority of the justices of said county present and voting concurring with him, may levy and cause to be collected, a tax on the taxable property of said county for revenue purposes sufficient to pay said subscription of stock: *Provided*, That said company shall not receive any part of said tax for any mile that shall not have been completed and made ready for travel, proof of which shall be made to the county judge; and when such proof is made as to the completion of each mile, then the amount of tax levied and collected to pay the stock for a mile completed aforesaid shall be paid to said company. It shall be the duty of the sheriff to collect and account for said tax according to law.

§ 14. All laws and parts of laws inconsistent with this act are hereby repealed.

§ 15. This act to take effect from its passage.

Approved March 10, 1876.

CHAPTER 633.

AN ACT to incorporate the town of Summer Shade, in Metcalfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Summer Shade, Metcalfe county, be, and the same is hereby, incorporated.

Town incorporated.

1876.

Trustees.

When and how
elected.Corporate pow-
ers.

§ 2. That E. Witty, J. R. Witty, Wm. M. Gill, Wm. Williams, and Lafayette Bowles be, and they are hereby, appointed trustees of said town, and shall continue in office until the first Saturday in October, 1876, and until their successors are elected and qualified; and said trustees, and their successors in office, are hereby created a body-politic and corporate; and, under the name and style of the trustees of Summer Shade, may contract and be contracted with, sue and be sued, plead and be impleaded, in all the counties of this Commonwealth; and hereafter the said trustees shall be elected at the time and in the manner prescribed by the general law.

May make
streets, &c.

§ 3. The trustees shall have the power to lay out and extend said town to the extent of one half mile from the storehouse of Wm. M. Riggs, making streets, alleys, and extending lots. The said trustees, a majority of whom concurring therein, may cause a plat of said town to be made, giving width of streets and alleys; and they may cause said plat, with accompanying field notes, to be recorded in the Metcalfe county court clerk's office.

No license for
retailing spirits to
be granted.

§ 4. The trustees of said town, the county judge of Metcalfe county, nor any other person shall have the power to grant license for the retailing of spirituous, vinous, or malt liquors in said town; and any person guilty of retailing the same shall be subject to the same fines and penalties as is now already provided for by law.

Approved March 10, 1876.

CHAPTER 634.

AN ACT extending the charter of the Farmers' Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Farmers' Bank of Kentucky, as amended, be extended for the period of twenty-five years from the termination of its charter as therein fixed: *Provided*, That said charter and amendments shall be subject to amendment or repeal by the General Assembly, either by general or special act: *And provided further*, That whilst the privileges and franchises so granted may be changed or repealed, no amendment or repeal shall impair other rights previously vested.

Approved March 10, 1876.

CHAPTER 635.

1876.

AN ACT to repeal sections five, six, and seven of an act, entitled "An act to amend the charter of the town of Harrodsburg," approved February 18th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections five, six, and seven of an act, entitled "An act to amend the charter of the town of Harrodsburg," approved February 18th, 1870, be, and the same are hereby, repealed.

§ 2. That this act be in force from its passage.

Approved March 10, 1876.

CHAPTER 637.

AN ACT to authorize the people of the Staffordsburg precinct, in Kenton county, to vote on the question as to whether spirituous liquors shall be sold in said precinct.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the August election in 1876, the question as to whether spirituous liquors shall be sold in the Staffordsburg precinct, in Kenton county, may be submitted to the qualified voters of said precinct, according to the provisions of, and in the manner prescribed by, what is called the local option law of the Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 639.

AN ACT to regulate appeals from the Winchester police court in criminal and penal cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Clark county quarterly court shall have appellate jurisdiction of all judgments of the Winchester police court in penal actions and prosecutions, where the amount of the judgment against the defendant is five dollars or upwards, and where the judgment is for imprisonment for any length of time.

1876. § 2 The manner of prosecuting said appeals shall be the same as provided by chapter second, article third, of the Criminal Code of Practice, the provisions as to the clerk applying to the judge thereof.

§ 3. This act to take effect and be in force from and after its passage.

Approved March 10, 1876.

CHAPTER 640.

AN ACT to provide for opening, repairing, and keeping in repair the public roads in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Road districts established. § 1. That at the April term, 1877, of the Gallatin county court, to consist of the presiding judge and the justices of the peace in said county, or a majority of them, who shall be summoned by said judge to meet with him, shall divide each of the five civil districts or election precincts of said county into four road districts, each of said four districts to contain as near the same number of miles of road as may be without actual measurement, and also as near the same number of persons who by law are required to work the road, the boundaries of said districts to be clearly defined, and copied in the order-book of said court.

Court shall levy tax. How collected and expended. § 2. That the court shall levy upon each person who by law is required to work on the roads a tax of two dollars annually, which shall be collected by the sheriff as other taxes, and shall be expended in the road district in which the taxpayer resided at the time of assessment of the same, under the direction of the surveyor of roads in said district, only in the improvement of the roads of said district.

Assessor to make list of those required to work on road. § 3. It shall be the duty of the assessor of said county, when he takes the lists of taxable property for said county for each year, to rule a column and take a complete list of every male inhabitant of said county who is by law required to work on the public roads, which lists shall be copied by the clerk on the book delivered to the sheriff. The sheriff shall settle, account for, and report the taxes collected under this act, and the delinquents of whom this cannot be made, at the same time, and in the same manner, as is provided in relation to the ordinary county levy.

§ 4. The tax provided for in the preceding section of this act may be discharged in work or labor done upon the roads of the person so assessed, under the direction of the surveyor of the road, at the rate of one dollar per day for each full day's work; and it shall be the duty of each surveyor of public roads to give to every person so working a certificate of the number of days he has worked, which certificate shall be receivable by the sheriff in discharge of the taxes provided for in the second section of this act.

1876.

Tax may be paid in work.

§ 5. The assessor shall keep the lists of each civil district separate, and he and the county shall be allowed a reasonable compensation for the services required by this act by the court of claims. The sheriff shall be allowed the same commissions as are by law allowed for collecting the county levy.

Assessor to kee separate list.

Compensation.

§ 6. The county court shall, at its April term, in the year 1877, and annually thereafter, appoint in each road district, as provided in the first section of this act, some discreet and proper person as surveyor of roads for said district, who shall be notified of his appointment in the manner provided for in the General Statutes, section twenty-six, chapter ninety-four, title "Roads and Passways." It shall be the duty of the surveyor to superintend the opening, repairing, and keeping in repair all the public roads of his district. He shall, between the first day of April and the first day of July of each year, notify all persons liable to work upon roads, who may elect to discharge their capitation tax, of the time and place he wishes them to work, giving them at least two days' notice; he shall report to court at the expiration of the time for which he was elected, or sooner if required by the court so to do; said report shall be verified by oath, and shall show what amount of road funds came into his hands, to whom, when, and for what it was paid out; and he shall receive, as compensation for his services, two dollars for each full days he is engaged, which sum he may retain out of the funds in his hands. For a failure to perform any of the duties required by this act, he may be proceeded against by presentment of a grand jury, and, upon conviction, shall be fined by the circuit court in any sum not less than five nor more than twenty dollars.

Surveyor of roads—how appointed.

His duties.

Compensation.

Failure to perform duty—how punished.

§ 7. The court shall levy a tax of not less than five nor more than fifteen cents on each one hundred dollars' worth of property taxable under the General Statutes for revenue

Court may levy tax.

1876. purposes, which shall be collected by the sheriff of the county in the same manner and same commissions as is provided for the collection of the public revenue; and he shall pay over the same to the several surveyors of roads under the order of court. The court shall order that all the money collected from each district shall be equally distributed among the surveyors of that district.

Clerk to make
out copy of as-
sessment.

§ 8. As soon as the assessor's books are returned, and the levy made, the clerk shall make out a copy of the assessment for each election precinct separately, and by it and the levy he shall make a statement of the amount of the road tax due from every person in each civil district or election precinct, and the amount from every person who owns property in a district and resides elsewhere: *Provided*, That where parts of the same tract lies partly in one district and partly in another the tax shall be paid in that district in which the owner or his tenant resides, and this copy and statement shall be given to the sheriff.

Poll to be opened

§ 9. That the court shall order a poll opened at each of the places of voting at the regular election to be held in said county on the first Monday in August, 1876, "for or against the road law;" and the result of said vote shall be declared by the board of examiners who examine the polls of other elections to be held at the same time; and if it shall be found that a majority of those who voted on this question voted, "for the road law," then this act shall be in force: *Provided*, That the general road laws of this State shall remain in force until the first day of April, 1877, and be applicable to Gallatin county.

Notice to be
given of election.

§ 10. That it is hereby made the duty of the county court, for at least one month before the vote is taken, as provided for in this act, to have this printed and posted up at one or more places in each election district in said county, and also at or near the polls on the day of election.

Court may alter
boundary.

§ 11. The court may, from time to time, change or alter the boundary of the road districts, as provided for in the first section of this act, whenever it shall appear that such change is necessary and proper; and wherever a road may be a dividing line between two districts, the parts of said road shall be so distributed as to keep and preserve, as near as may be, just

proportion of miles of road to the hands of the respective districts.

1876.

§ 12. That all acts or parts of acts in conflict with this act be, and the same are hereby, repealed, so far as the same applies to Gallatin county.

Approved March 11, 1876.

CHAPTER 641.

AN ACT to incorporate the James Owen Lodge, Independent Sons of Honor, No. 1.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward Johnson, Henry Morton, Archy Miles, John Crane, and Hurkley Young, and their successors, be, and they are hereby, incorporated and created a body-corporate and politic, under and in the name of "The James Owen Lodge of Independent Sons of Honor, No. 1;" and in that name have the right to contract and be contracted with, to sue and be sued, plead and be impleaded; to have a corporate seal; and as such to receive by gift, devise, or purchase any grounds, by it to be used and laid off in a cemetery, orphan asylum, hall or lodge, or to receive by gift or devise any other property or thing.

Corporators.]

Name.

May sue and be sued.

§ 2. Said corporation shall have power to make such by-laws, not in conflict with the Constitution of the United States or the Constitution and laws of the State of Kentucky, as the members thereof shall see fit, in relation to the admittance and discharge of its members, the initiation fees to be paid, the appropriation of its funds, in regard to the regulation of its members, and the management of its affairs.

May make by-laws.

§ 3. The incorporators aforesaid shall be the directors and trustees of said corporation until their successors are duly elected. There shall be an election held during the month of December of each year for the election of five directors and trustees of said corporation, who shall hold their office for one year, and until their successors are elected; the said directors and trustees so annually chosen shall, from one of the members of said society, choose a president of said board; and said corporation shall by its by-laws create such other officers

Directors—when elected.

1876. and agents as may be desired for the management of its affairs.

Vacancy—how filled. § 4. If at any time there shall be a vacancy in said board of directors and trustees, the said board shall have power to fill said vacancy until the next general election.

May invest funds § 5. Said corporation may, from time to time, have the right to invest any of its surplus funds in any kind of securities, or to loan the same at interest for the purpose of creating a fund for burying their dead, caring for their orphans, and keeping their grounds in proper order.

May establish branches. § 6. Said corporation or society may establish branches of its organization at other points than Louisville, where its chief organization is to be, as shall be prescribed by their regulation and by-laws.

§ 7. *Be it further enacted*, That this act shall take effect and be in force from and after the date of its passage.

Approved March 11, 1876.

CHAPTER 642.

AN ACT to incorporate the Louisville Elevator and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators. § 1. That Warren Mitchell, H. Verhoff, jr., John C. McFerreran, C. T. Hinde, and Henry Strater, be, and they are hereby, created a body-politic and corporate, in the name of "The Louisville Elevator and Warehouse Company;" and in that name shall have right and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded; to have a common seal, and to alter the same at pleasure.

Name. May sue and be sued, &c.

Capital stock. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be regarded as personal estate. But said corporation shall have the right to organize and do business when thirty thousand dollars shall have been subscribed and paid in.

Directors to open books, &c. § 2. The said corporators shall have the power to open books and receive subscriptions of stock thereto, and shall be the directors of said corporation until their successors are elected.

1876.

Election of directors—when.

§ 3. There shall be an annual election of three directors for said corporation on the first Tuesday of May of each year; and when said directors are so elected, they, from one of their number, shall elect a president, who shall hold his office for the term of his directorship. In said annual election, or called meeting of the stockholders, they shall vote in person or by proxy. The directors so elected shall continue in office until their successors are elected.

Power of corporation.

§ 4. The said corporation shall have right to purchase and hold any real or personal estate deemed necessary for carrying on their legitimate business; and may also have power to sell and convey the same at pleasure. It shall also have power and authority to borrow money; and to secure the payment of same shall have power to issue and sell its bonds, bearing interest not to exceed eight per cent. per annum, payable at such times and place as may be agreed, a majority of the stockholders in interest concurring in the same; and to secure the payment of said money and bonds may execute its mortgage on the property of said corporation.

May make by-laws.

§ 5. Said corporation, by its stockholders or directors, shall have the right and power to make and create such by-laws, as are not in conflict with the Constitution of the United States and the laws and Constitution of the State of Kentucky, for the regulation of its affairs, the control of its officers, and prescribe their duties.

May create offices, &c.

§ 6. Said corporation may create such offices, and appoint such agents and employes, as is deemed necessary for the conduct of its business; and may require from any of its officers or agents bonds, with security, for the faithful discharge of duty, and the proper custody of its property.

Power to erect elevator, &c.

§ 7. Said corporation shall have full power to erect such elevator or elevators, warehouses, machinery, and fixtures as will enable them to receive, store, and discharge grain, produce, machinery, and merchandise, and to hold the same; and in every respect be governed and controlled by the warehouse laws of the State of Kentucky.

Stock—how paid.

§ 8. The stock subscribed to or in said corporation shall be paid in as shall be ordered by the incorporators or directors.

Private property exempt from corporate debt.

§ 9. *Be it further enacted*, That all private property of the stockholders shall be, and is hereby, exempted from the corporate debts of this corporation.

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§ 10. This act shall take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 643.

AN ACT to incorporate the Jersey Ridge Turnpike Road, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

Body-politic
and corporate.

§ 1. That a company is hereby created, under the name and style of the Jersey Ridge Turnpike Road Company, which shall be a body-politic and corporate, for the purpose of constructing and building a turnpike road from the Maysville and Bracken Turnpike Road, in Mason county, starting near the first toll-gate on said road, to intersect with the Maysville and Lexington Turnpike Road, in said county, at any point between the the first toll-gate and the second mile-stone from Maysville on same.

Capital stock.

§ 2. The capital stock of said company shall be five thousand dollars, which may be increased or diminished at the pleasure of the company, and divided into shares of fifty dollars each.

Books for sub-
scription to be
opened.

§ 3. Books for the subscription of stock shall be opened by William L. Chamberlain, Henry Chamberlain, John Baldwin, T. C. Campbell, and Charles Deitrich, or any three of them, who are hereby appointed commissioners to procure subscriptions to the capital stock of this road, at such times and place as they may select. They shall insert in their book or books the following obligation: We, whose names are hereto subscribed, severally promise to pay to the president and directors of the Jersey Ridge Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names respectively, in such manner, and at such times, as shall be required by them, acting under the authority of this charter.

Obligation.

Officers—when
elected.

§ 4. When two thousand dollars shall have been subscribed to the capital stock of said company by the county of Mason and individuals, it shall be the duty of the commissioners herein named, or a majority of them, to give notice, in such manner and at such time and place as they may think proper, of a meeting of the stockholders for the purpose of electing a president and five directors; one vote shall be allowed for

each share of stock; the president shall be elected by the directors from one of their number, and they shall continue in office until their successors are elected and qualified. The time and place of election, after the first, shall be fixed by the president and directors some time in the month of April in each year; a majority of the board shall be necessary to transact business, and shall be convened by order of the president or by any three of the directors.

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§ 5. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate in fact and law, by the name and style of the Jersey Ridge Turnpike Road Company, with the privileges and franchises of a corporation; and shall be capable of holding their capital stock, and the increase and profits thereof; and of holding, by gift, purchase, or otherwise, anything necessary for the prosecution of their work, or the objects of this corporation. They shall have power to contract and be contracted with, sue and be sued, in all the courts of law and equity; to have and use a seal, which may be a scroll; and do all and every act or thing lawful for a corporation to do to effect the object for which it was created.

Corporate powers.

§ 6. This corporation shall fix and regulate the grade of said road, and its covering with stone or gravel, or both. They are authorized to erect one toll-gate thereon, at such place as they may select, at which they may collect toll; but the rate of toll at their gate shall not exceed one half the rate prescribed by the general law; but may be fixed at less by the company.

May erect toll-gate, &c.

§ 7. It shall be lawful for the officers and employes of the company, with their teams, tools, and appliances for locating and working said road, to enter upon the lands over and contiguous to which the intended shall pass, having first given notice to the owner or occupants thereof. They shall have the right to take and receive the right of way, not exceeding forty feet wide, over and through the lands where said road shall be located. If, in any instance, they cannot procure the right of way, by agreement or purchase, from the owners of land through [which] said road is to pass, or the damages the owner or owners will sustain by reason thereof, then the president shall apply to the county court of the county in which such land is located for a writ of *ad quod damnum* to

Right of way—how acquired.

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acquire such right of way, and assess the damages which the owners thereof may sustain on account of the location and construction of said road upon his, her, or their premises; and upon the payment or tender of the damages assessed, it shall be lawful for the company to open and make said road, and open and use rock and gravel quarries on the line of said road, and the lands contiguous thereto; and in the assessment of damages it shall be taken into consideration the advantages and disadvantages of said road to the owner or owners of the land through which the road may run.

Stock—how paid.

§ 8. The president and directors shall give notice in such manner as they may deem proper, and may call such amount on each share of stock as they may direct, and fix the time and place of its payment.

Officers appointed.

§ 9. The president and directors may appoint annually such officers as they may deem necessary, with such compensation as they may consider just and proper, and say when the treasurer shall give bond, with approved security, for the faithful performance of his duties, and for the payment of all sums of money which may come to his hands upon the order of the board.

President and directors shall be stockholders.

§ 10. The president and directors shall each be stockholders; and in case vacancies occur in the board, the remaining directors shall have power to fill the same until the next annual election.

§ 11. This act shall be in force from its passage.

Approved March 11, 1876.

CHAPTER 644.

AN ACT for the benefit of R. W. Major, late sheriff of Trigg county, and his sureties.

WHEREAS, A judgment having been rendered against Robert W. Major, late sheriff of Trigg county, and his sureties for the balance of the revenue due the Commonwealth for the year 1874, without his being able to return a list of the lands sold by him to the State for taxes, his delinquent lists or list of exonerations; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be hereby authorized and directed to allow Robert W. Major, late sheriff

of Trigg county, a credit on the judgment rendered against him and sureties in the Franklin circuit court for the balance owing by him on account of the revenue of 1874 for whatever amount he may be entitled to on the list of lands and town lots he may have sold, or he may hereafter sell, to the Commonwealth for taxes due the State for the year 1874, and for the list of exonerations, and list of delinquents and removals, as he may present, properly made out and allowed by the Trigg county court, for the taxes of the same year. 1876.

§ 2. The Auditor of Public Accounts is further authorized and directed to allow said Major a credit for the interest adjudged against him in the judgment mentioned in the foregoing section of this act from the first day of June, 1874, to the first day of April, 1875: *Provided*, That said Robert W. Major shall have first settled his revenue account in full for the year 1874 with the Auditor, subject to the credits allowed in the first section of this act, before he shall be entitled to any abatement of interest.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 645.

AN ACT for the benefit of the German American School Association, of Owensboro.

WHEREAS, An act was passed by the Legislature, approved February 4th, 1863; entitled "An act to incorporate the German American School Association, of Owensboro," the object of which act, as expressed therein, being the establishment of a male college, and certain persons named in said act were constituted a body-corporate. Among the powers granted to said association was that to receive and hold such real and personal estate as might be donated to it or purchased for its use; and whereas, by section four of said act it is provided that "all real estate purchased or donated under said charter shall be vested in the board of managers, and their successors in office, and shall be forever held for the purposes of education, and shall not be diverted to any other use, nor shall the same be subject to taxation;" and under the charter so granted it appeared that, by contributions, chiefly by the German citizens of Owensboro, a fund was raised sufficient to purchase

1876. one acre of ground and erect thereon a house of moderate size; and from the time said house was completed a German school was maintained upon said property and in said house for the greater part of the time, until the establishment in Owensboro of "Free Grade Schools;" since the establishment of which, it appears that said association can no longer keep up a school on their said property, and the same, in consequence, is liable to fall into decay and become burdensome to said association; and whereas, a petition has been presented praying the Legislature to grant to said corporation the right of selling said lot and property; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles Werner, F. W. Brooks, George Smith, A. Heluckee, B. Baer, and M. Smithrener be, and they are hereby, appointed trustees to sell said property; and they are hereby empowered to sell and convey said property at private sale or public auction, as may seem most to the interest of said association, on such credit as to them seems most proper; and when the proceeds are collected, the same shall be loaned to the Deposit Bank, at Owensboro, Kentucky, at such interest as said trustees may be able to obtain, taking the note or certificate of said bank therefor, renewing said note, and compounding the interest thereon, as often as they may, by contract with said bank, [agree] to do: *Provided*, They may loan said fund to any other bank in the city of Owensboro if they can obtain from such other bank a higher rate of interest. Said trustees shall hold and control said fund in the interest of said association until such time as they, in their sound discretion, can appropriate same to such charitable or other public benefits as said association may agree on; and same shall be subject to their control, to be disposed of as such association may elect in their discretion.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

CHAPTER 646.

1876.

AN ACT to continue ten years longer an act, entitled "An act to amend the charter of the town of Hustonville, and amendments thereto," approved March 13, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the town of Hustonville, and amendments thereto," be, and the same is hereby, continued for the period of ten years from the 13th day of March, 1877, the time at which said act expires by its own terms; but by this act is continued in full force until the 13th day of March, 1887.

§ 2. This act to be in force from its passage.

Approved March 11, 1876.

CHAPTER 647.

AN ACT to authorize the judge of the Lincoln county quarterly court to appoint a clerk of his court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Lincoln quarterly court be, and he is hereby, authorized to appoint a clerk of his court, and in doing so, shall not be restricted to the clerk of the Lincoln county court, but may select some other suitable person.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 648.

AN ACT to change the time of holding the Ballard county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county court of Ballard county shall be holden on the third Mondays of each month, instead of the fourth Mondays, as now provided by law.

§ 2. This act to take effect from and after its passage.

Approved March 11, 1876.

1876.

CHAPTER 649.

AN ACT to incorporate the Mayfield and Wadesboro Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body-politic
and corporate.

Corporate powers.

§ 1. That a company is hereby incorporated and created a body-politic, with perpetual succession, and by the aforesaid name may contract and be contracted with, sue and be sued, answer and be answered, &c., with power to acquire, hold, use, and possess all such real and personal estate as may be necessary or convenient to construct a road from Mayfield to Wadesboro, with power to branch to any point within the counties of Marshall or Calloway, whenever the president and directors of said road may see proper, and deem it expedient to do so. Said company may make and ordain all such rules and by-laws as may be necessary or proper for the construction or repair of said road, and the management of its prudential and financial concerns.

Width of road,
&c

§ 2. That the width of said road, when it will admit of it, shall not be less than twenty-five feet at any point, and the artificial part of gravel, stone, or plank shall be fixed by the directors, as also the grade of said road; and said company shall have the right to construct bridges over the different creeks crossing said road.

May establish
a toll-gate.

§ 3. After three miles of said road shall have been completed, said directors may establish a toll-gate at such points on said road as they may think right, and may thereafter, as the road is completed, establish other toll-gates at intervals of four miles or more, as the directors may determine, and apply the tolls, after deducting a sufficient amount to keep the finished part of the road in order, to the further construction of the road, or they may distribute the same as dividends to the stockholders. At all of said gates, the rates shall be prescribed by the directors, not to exceed the rates fixed by the General Statutes.

May enter upon
any lands, and
acquire right of
way, &c.

§ 4. The president and directors, or their engineer, shall have the right to enter upon any lands and survey out said road, and examine any gravel pits or timber necessary for the construction and repair of same, on any lands adjoining or near said road; and if no satisfactory agreement can be made with the owner for same, the president and directors, or a

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majority of them, may by order apply to the circuit court clerk of the county where the land lies upon which the gravel or timber is situated, or the part of the road in regard to which the right of way is refused, whose duty it shall be to issue a writ of *ad quod damnum* to assess the damages which any such dissatisfied owner of any such land, gravel-beds, or timber shall sustain; and the jury shall take into consideration, in assessing the damages, the advantages and disadvantages of said road; said writ shall be directed to the sheriff of said county, and he shall, in five days after the writ, summon a jury of twelve men qualified under the law as petit jurymen in civil suits, and each party shall have three challenges peremptory. Said sheriff shall swear the jury, after they are selected, as they are directed to be sworn in other cases of writs of *ad quod damnum*, preside during the trial, issue subpoenas, swear witnesses, and decide all points of law presented on the trial, and shall return the writ to the circuit court clerk, with the verdict of the jury; and the said company, upon payment of the sum fixed in the verdict to the party claimant, his agent or attorney, or if he has no agent, by paying it to the clerk of said court for said claimant, or by tendering it to either of said parties, shall be vested with the right of way, and to control and use all gravel-beds and timber so condemned as aforesaid. Either party may, within two days after the return of the writ, file exceptions as to the error in the amount assessed, and the clerk shall docket said exceptions as other cases at common law; but the said company shall not, in the meantime, be hindered in the prosecution of their work by the pendency of the exceptions after a tender, but may proceed and have all the rights, to the same extent as if said sum had been accepted. The party who fails in sustaining his exceptions shall pay the costs, for which execution shall issue as in other cases, but the road shall pay the cost incurred on the trial of the original writ in the county. The rule laid down in chapter ninety-four, article one, section eight, of General Statutes, shall apply in all cases under this act.

§ 5. L. Anderson, J. T. McElrath, J. A. McKnutt, G. J. Bolinger, Thomas Ligon, N. B. Watts, N. A. Coulter, Richard Pryor, Pryor Reynolds, and J. R. Puryear, are hereby appointed commissioners to open books and receive subscriptions of stock to said road, either or all of whom may act. Commissioners.

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Capital stock.

The capital stock of said road shall not exceed one hundred thousand dollars, divided into shares of twenty-five dollars each.

Officers—when elected.

§ 6. Whenever five thousand dollars or more is subscribed, public notice shall be given in some newspaper published in Mayfield for ten days, of the time and place of meeting of the stockholders, who shall have one vote for every share of stock, and may vote in person or by written proxy; and they shall proceed to elect a president and six directors, a treasurer, and secretary, all of whom shall hold their office for twelve months, and until their successors are qualified. Elections shall thereafter be held annually, at such times and places as the board of directors may direct; notice of which shall be given in some newspaper published in Mayfield for five days before the election. The treasurer shall execute bond, with good security, for the discharge of such duties as the directors may impose upon him, and the safe-keeping and payment of all sums of money which he may receive to the order of the president and directors, upon which bond or covenant he and his securities may be sued for any breach. Said bond shall be filed with the county clerk of Graves county, and by him safely kept; and each successive treasurer shall execute a like bond, to be approved by the president and directors, and filed as aforesaid, at the first or any subsequent annual meeting of the stockholders for the election of their president and directors, &c. They may also fix and determine the salaries to be paid their officers; and the sums thus fixed shall not be altered, except by vote of the stockholders, at some regular annual election.

§ 7. As soon as said election is held, said president and directors shall constitute and be a body-politic and corporate, under the name and style aforesaid, and be vested with all the power hereinbefore specified; and shall have perpetual succession, and have all the franchises usually granted to similar corporations.

Secretary to keep a book.

§ 8. The president and directors shall have kept by the secretary a book showing all their proceedings, and shall meet at least every three months, at such times and places as said president may direct, of which each director shall be notified; and a majority of directors shall constitute a quorum to transact business.

§ 9. As soon as the president and board is organized as aforesaid, they shall have the road located by a competent engineer, from Mayfield to Wadesboro, as nearly as may be upon the present State road, and may branch to any point in the counties of Marshall or Calloway whenever they see proper.

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Road—where to be located.

§ 10. The president shall give notice of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after it is due, it shall draw ten per cent. interest; and if not paid in six months, the stock of such stockholders shall be forfeited to the company, and the president shall sell said forfeited stock at public sale, and the proceeds shall go into the treasury of the company. No stockholder shall at any time vote after the first election who has not paid up all calls on his stock.

Stock—how paid

§ 11. That if any person shall go around or turn off of said road with intent to avoid the payment of toll, or force themselves through the gates without paying the toll, he or they so offending shall be fined ten dollars, to be recovered by a warrant before any justice of the peace for the use of the road; and said judgment shall be collected as other judgments or fines are collected.

Penalty for avoiding payment of toll.

Approved March 11, 1876.

CHAPTER 650.

AN ACT to incorporate the Baptist Centennial Theological College, of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. John G. Amis, Rev. Stephen Golden, James L. Hemphill, Robert T. Hemphill, John H. Davis, C. S. Brown, S. C. Jackson, William J. Stansberry, and Judge C. J. Creekmore, and their successors, be, and they are hereby, constituted a body-corporate, under the name and style of "The Baptist Centennial Theological College;" and by that name they shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure; to make contracts for the benefit of the institution; to sue and be sued, plead and be impleaded; to receive and hold such real and personal

Corporators.

Name and style.

Corporate powers.

1876. property as may be donated to the college, or purchased for its use; to appoint a president, and such professors as they may, from time to time, deem necessary; and, with the advice and approval of the president and a majority of the faculty, to confer all literary and other degrees conferred by other similar institutions; and to make all by-laws, rules and regulations, not inconsistent with the Constitution of the United States and the Constitution and general laws of this State, as may be or may become necessary for the successful management of the college.

Capital stock.

How paid.

§ 2. The capital stock of said college shall be fifty thousand dollars, which may be increased, from time to time, as occasion may require, divided into shares of twenty-five dollars each, and to be paid in upon such terms as may be agreed upon by the board of managers, which terms may be altered with the consent of the stockholders: *And provided*, That the whole of the capital stock of said college is not hereby required to be sold or disposed of; but only such part thereof as may be necessary, in the opinion of the board of managers, to effect an efficient organization of said college.

Who may vote in the selection of a site for college.

Proviso.

§ 3. Each person, church, or other organization having one or more shares in the capital stock of said college shall be entitled to one vote for each share in the selection of a site for said college: *Provided*, That said college shall be located in Knox county.

Books for subscription to be opened.

§ 4. Books for the subscription of stock (in which shall be entered all donations, devises, or gifts), under the control of the corporators aforesaid, or any one or more of them, may be opened at such times and places, and kept open for such length of time, as they may determine on, and the stock so subscribed shall be entered in a book to be kept for that purpose by the secretary, and certificates issued to the stockholders over the signature of the chairman, and attested by the secretary of said board of managers; and no stock shall be transferable from one person or body to another, except the transfer be entered on such book.

Seal.

§ 5. The private seal or scroll of the chairman of the board of managers, attested by the secretary, may be used in lieu of a common seal.

Board of managers.

§ 6. The board of managers of said college shall consist of ten persons, a majority of whom shall constitute a quorum to

transact business. Said board shall choose a chairman, secretary, and treasurer from their own body, all of whom shall hold their offices for one year, and until their successors are duly elected and qualified.

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§ 7. The board of managers of said college shall be elected annually by the stockholders, at such time and place as may be designated by the by laws, and shall hold their offices for one year and until their successors are duly elected and qualified; and in such election every person or body shall be entitled to one vote for each share of stock, which vote may be cast in person or by written proxy.

When elected.

Term of office.

§ 8. In addition to the board of managers herein directed, there shall be elected annually by the Lynn Camp and North Concord Association (one half each) six persons, who, when elected, and their successors, are to have exclusive control of the theological department, and be called the Theological Board, each of whom must be a member in good standing in some Regular Baptist Church, and all the provisions of this charter shall be applicable to them as the board of managers for the theological department; and they shall have all the rights, powers, and privileges, in all respects, in this department that are herein conferred upon the board of managers for the other departments; but should the bodies known as Lynn Camp and North Concord Associations of Regular or United Baptists disband for an indefinite period, or depart from the faith as Regular Baptists, then said managers shall be elected annually by the General Association of Baptists in Kentucky.

Theological board to be elected.

Their powers.

§ 9. The president of the "Baptist Theological Centennial College" shall be an ordained minister of the gospel in good standing in some Regular Baptist Church, and shall be indorsed by the committee on colleges of the General Association of Baptists in Kentucky; and shall be, by virtue of his office, chairman of the board of managers of the theological department; but, in his absence, the board may elect a chairman *pro tempore*.

President to be an ordained minister.

§ 10. All vacancies in the board shall be filled by an election by the board until the next regular election.

Vacancies—how filled.

§ 11. The board of managers shall, by by-laws, regulate the times of meeting of the board, and the manner in which same shall be called together in case of an emergency. The

Time of meeting regulated by by-laws.

1876. proceedings, rules, by-laws, and all official acts of the board shall be regularly recorded by the secretary in a book kept for the purpose.

Treasurer to execute bond.

§ 12. Before entering on the duties of his office, the treasurer of said board shall enter into bond, with security, approved by the board, for the faithful discharge of his duties. His duties shall be to keep a faithful account of all moneys of college which may come to his hands, to state and exhibit the same semi-annually, and oftener if required, and to pay over the same upon the orders of the board.

Officers, &c., subject to direction of board of managers.

§ 13. The secretary, treasurer, professors, principals, and tutors in said college shall be subject to the direction of the board of managers for their respective departments, and may be removed by them when they shall deem it for the interest of the college to do so, and appoint others to fill such vacancy.

Proviso.

§ 14. All real and personal estate purchased under this charter shall vest jointly in the two boards of managers and their successors in office, and shall not be subject to taxation, nor diverted to any other use whatever: *Provided*, That by an order, adopted by a majority of each board, they may sell and convey same, or any part thereof, the proceeds of the sale to be used to advance the interest of said college.

§ 15. This college shall forever be and remain non-sectarian in all its departments except the theological department.

§ 16. This act shall take effect and be in force from its passage.

Approved March 11, 1876.

CHAPTER 651.

AN ACT to incorporate the town of Burlington, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundaries.

§ 1. That the town of Burlington, in Boone county, be, and the same is hereby, incorporated, with its present boundaries as heretofore established.

Trustees.

§ 2. That Arthur Blythe, J. M. Riddell, James Calvert, A. G. Winston, and F. P. Walton are hereby appointed trustees of said town, and shall hold their office until the first Saturday in May, 1876, on which day, and annually thereafter, there

shall be an election by the qualified voters of said town for five town trustees, to serve for one year from their election, and until their successors are elected and qualified. The said trustees herein appointed, and their successors, shall take an oath, before entering on the discharge of their duties, that they will well and truly discharge their duties as trustees of said town, fairly and impartially, which oath may be administered by any officer authorized to administer an oath.

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Trustees—how
and when elected

Oath.

§ 3. That the trustees appointed by this act, and their successors, shall provide and keep a well-bound book, and keep therein a full and complete record of all their acts and doings as trustees, and submit the same at proper and reasonable times to the inspection of the citizens of said town whenever required by them; and shall, as often as once a year, make out in writing a statement of their acts so far as to show the moneys collected by them in taxes and from other sources, and how appropriated, and post the same at two or more public places in said town, for the inspection of the citizens of the town.

Trustees to
keep record of
their proceedings

§ 4. The trustees appointed by this act shall take the oath required, and enter upon the discharge of their duties on the first Monday in March, 1876, or as soon thereafter as it can be done after receiving a certified copy hereof. The trustees thereafter elected shall enter on the discharge of their duties on the first Monday after their election; if no election is held for trustees at the time or times as provided, then the trustees in office shall hold over till the next annual election, and until their successors are elected and qualified; and if a vacancy or vacancies occurs in the office of trustee by death, removal, resignation, or otherwise, then the remaining trustees shall fill the vacancy by appointment until the next annual election, and until the trustees then elected shall qualify; and if at any time the whole board shall become vacant, the county judge of the county shall, by a written appointment, appoint five trustees for said town, to serve until the next annual election, and until their successors are elected and qualified; and in all cases an entry shall be made of the election or appointment of the trustees on their record. A trustee may, by writing filed with the trustees, resign as such trustee, and the vacancy shall thereupon be filled as herein authorized.

Trustees—when
to enter upon
their duties.

Vacancy—how
filled.

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Name.

Powers.

Chairman to
be elected.Clerk to be
elected.Copies of pro-
ceedings of trus-
tees to be evi-
dence in court.Regular monthly
meetings.Legislative
power vested in
trustees.

§5. That said trustees shall be known as "The Trustees of the Town of Burlington;" and by that name may sue and be sued, contract and be contracted with, plead and be impleaded with, in all courts of this Commonwealth. They shall elect one of their number chairman of the board, who shall preside at all their meetings, when present, preserve order, and sign the record of each meeting; but in case of the absence of the chairman at any meeting, or when the office of chairman becomes vacant, the trustees present shall elect a chairman *pro tem.* in the first case, and in the second case, a chairman for the remainder of the term for which the trustees have been elected. They shall also elect a clerk, who may be a member of the board or some other citizen of the town, and he may be removed at the pleasure of the board. The record of the board's proceedings shall be valid, however, if entered by any member of the board, or by any one else in their presence, and signed by the chairman or chairman *pro tem.*; and copies or transcripts from the record kept by trustees, and of all official acts of the assessor or collector, when certified by the chairman or chairman *pro tem.* of the trustees, shall be evidence in all courts and places where the same shall be necessary. The trustees appointed herein may meet to organize at the circuit court clerk's office in Burlington; and their successors thereafter shall meet for that purpose at such place in the town as may have been procured for the use of the board, or at such place as they may select. At the meeting of the trustees for organization the oldest member elected shall be chairman till a regular chairman be elected, which shall be the first thing done after the meeting. The trustees of said town shall hold regular monthly meetings in the town, on the first Saturday in the month, until by action of the board some other day be fixed upon. They may hold special meetings at such times as they may determine upon, and the chairman may call special meetings when, in his opinion, it becomes necessary by notifying the trustees thereof.

§ 6. The legislative power and authority of said town shall be vested in said trustees. They shall have the power to pass all needful by-laws and ordinances for the effectual administration of right and justice in said town, and for the better government thereof, and the better protection of the property of the citizens, unless restrained by this charter or the Constitution or laws of this State, and fix such penalties for a violation of any

1876.

of such ordinances and by-laws, not exceeding a fine of fifty dollars, as they may deem the good order and welfare of the town may require. All ordinances passed by the trustees must be made public by them by being posted at two or more public places in said town. They shall have full power and authority to cause all the streets and alleys in said town to be opened, kept open and in good repair, so far as to them may seem best; macadamize or turnpike such streets and alleys, or parts thereof, as to them may seem proper. They shall have power and authority to cause the sidewalks in said town to be repaired or paved, and kept in good order; but before paving or repairing any sidewalk, or part thereof, they shall ascertain the cost thereof, and notify the owners of the lots abutting on such or adjoining such sidewalk of the costs of the work proposed to be done, and the proportion due from each, estimated according to front feet of the lot or lots abutting on or adjoining such sidewalks; and if any owner of any such lot or lots fails to pay his portion for paving or repairing such sidewalks, for ten days after being notified of the amount due from him, then the same shall be collected as hereinafter directed. If the owner of such lots is a non-resident of the county no notice as to him shall be necessary before proceeding to enforce collection of his part or portion of such cost.

All ordinances must be made public.

Streets, &c.

Sidewalks.

§ 7. The said trustees shall have power to prevent all kinds of stock from running at large in the town, and by ordinance require the owners of stock to prevent the same from running at large in the town, under such pecuniary fine as to the trustees may seem proper. They may also, by ordinance, provide that any hogs, horses, cows, or mules, or other stock found running at large in the town, may be taken up and kept by the town marshal until the owner thereof can be proceeded against, and the same held and subjected to the payment of the fine imposed by the court, by proper orders of the court, for that purpose trying the case, and the costs of the proceeding, and expense of taking up and keeping the same, which shall be ascertained and fixed by the judgment of the court.

May pass ordinance to prevent stock from running at large.

Penalty.

§ 8. The trustees shall have power, and it shall be their duty, to provide by ordinance, with necessary penalties, to keep the streets of said town clear of all obstructions of any kind whatever; and they may, by appropriate proceedings in

Streets to be kept clean.

1876.

their names as said trustees, in any court having jurisdiction, cause all or any of the streets and alleys in said town that are now closed or encroached upon, by fencing or otherwise, to be opened and thereafter to be kept in their full width.

May issue licenses.

§ 9. They shall have power to license shows and public exhibitions in the said town, and may fix the license fee therefor at any sum in their discretion; but this shall not interfere with general laws requiring State or county license, nor apply to any school exhibition, or other public exhibition or entertainment originating in the town, and confined to it

May prevent public auctions, &c.
Proviso.

§ 10. They may, if they see proper, prevent all public auctions or sales in the streets of said town, or license the same: *Provided*, That this section does not apply to any sale or auction ordered by any court or judge thereof, or any administrator, executor, or other public officer in the discharge of his duty as such.

May levy tax, &c.

§ 11. They shall have power to levy and collect such *ad valorem* tax upon the real estate in the town annually, not to exceed fifty cents on each one hundred dollars' worth thereof, as to them may appear necessary, and also a poll-tax of not exceeding one dollar and fifty cents on each male citizen of the town. The said taxes so levied and collected shall be expended by the trustees in repairing and keeping the streets in good repair, and executing such other duties as are required of them by this charter.

May appoint collector.

§ 12. They shall appoint a collector of the town taxes at such times as they choose, who shall hold his office for one year from his appointment, but may removed at the pleasure of the trustees. The collector must be a citizen of the town; and before he enters on the discharge of his duty must take an oath, before some officer authorized to administer oaths, that he will faithfully perform his duties as collector, and pay over to the trustees all moneys collected by him at such times as they may require it; and he shall give bond, with good surety, to be approved by the trustees, conditioned that he will faithfully perform his duties as collector, and pay over to the trustees all taxes and moneys collected by him, or coming to his hands as collector, on which bond suit may be brought by the trustees for a breach thereof against the collector and his surety, or any of them, in any court having jurisdiction of the amount claimed.

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Penalty for failure to pay tax.

13. If any tax-payer fails to pay the same, his capitation tax as well as the tax against his property, to the collector when demanded by him, he may thereupon proceed to take and sell enough personal property owned by the party so failing to discharge all of his taxes, and ten per cent. thereon; and if no personal property can be found in the town by the collector belonging to such party, then he may sell the real estate in the town owned by said party, or enough thereof to pay said tax, and ten per cent. thereon; the sale in either case shall be for cash, and made after ten days' written advertisement posted by the collector in two or more public places in the town. The title to any personalty shall pass to the purchaser, and possession thereof be delivered at the time of the sale; but may be redeemed from the purchaser at any time within fifteen days from the sale by the tax-payer paying the purchaser the amount of his bid, and twenty-five per cent. thereon. The title to any real estate shall not pass to the purchaser until one hundred and eighty days shall have elapsed from the sale; at any time within that period, the tax-payer may redeem such real estate by paying the purchaser the amount bid by him at the sale, with twenty-five per cent. thereon. If the tax-payer fails to redeem such real estate as herein provided, the title shall vest in the purchaser, and the chairman of the board shall, in the name of said trustees, convey the property to the purchaser without warranty, and such deed shall pass the tax-payer's title. The purchaser may then proceed, by suit in the Boone circuit court, or other court having appropriate jurisdiction, to recover such property from the tax-payer and party in possession. The property in the town belonging to a non-resident may be taken and sold for taxes by the collector without a demand having been first made of the owner for the taxes.

§ 14. That where real estate is sold by the collector for taxes under any provision of this charter, and the sale being the amount of the taxes and \$50 or more, and the ten per cent. thereon in excess thereof, then the purchaser shall pay the collector the sum levied, and by his purchase shall only acquire a lien on the property for the amount of his bid, and twenty-five per cent. thereon, which may be enforced in any court having jurisdiction of such matters; and said bid, and the twenty-five cent. thereon, shall be on interest at the rate of ten per cent. per annum from the date of the bid till paid;

Purchaser to acquire a lien on property to amount of his bid, &c.

1876. and the collector shall, in such cases, return to the trustees a full report, in writing, of his sale of said property, the amount bid, and the name of the purchaser; the return shall be noted on the trustees' record; but if the property sells for less than an excess of fifty dollars over the tax, and the ten per cent. thereon, then the collector will collect from the purchaser the same bid, and pay it over to the trustees, who will retain the excess till the property be redeemed or the title and possession pass to the purchaser; they will then pay such excess over the taxes due, and ten per cent. thereon, over to the party against whom the tax was due, or the owner of the property at the time of the sale. Real estate and personal estate in the town shall be subject to the capitation tax against the owner, and may be subjected to said tax at same time, and in same manner, that it may be subjected to the tax levied on the real estate. The trustees may, in any case, if they so prefer, bring suit against any tax payer who has failed to pay his taxes when demanded by the collector. Said suit may be brought in the police court of the said town against any taxpayer resident in the State; but before a personal judgment can be rendered, he must be summoned at least five days in the county, and ten days out of it. The suit shall be in the name of the trustees, and the account for taxes due them against such party shall be filed with the police judge. The trustees shall furnish to the purchaser of any property sold for taxes a certified copy of the collector's report of such sale.

May institute
suit for failure to
pay taxes.

May appoint
assessor.

His duties.

§ 15. The trustees shall appoint, and remove at pleasure, a town assessor, who shall assess all the real estate in the town at its fair cash value in the currency of the country at the time of the assessment; and shall also make out and return a complete list of all male citizens of the town at the time of the assessment over twenty-one years of age; he shall make a full report to the trustees at such time as they may direct; his report must show the real estate assessed, against whom, and give a description thereof, showing the lots, size, &c., where it can be done.

Town marshal
to be elected.

§ 16. There shall be an election in said town for town marshal on the first Saturday in May, 1876, at same time trustees are elected, and every two years thereafter. The marshal shall hold his office from the time of his qualifying and giving

bond until his successor is elected and qualified. R. D. Jones is appointed town marshal of said town till the first Saturday in May, 1876, and until his successor is elected and qualified. 1876.

§ 17. The marshal of said town shall be a conservator of the peace, and perform such other duties not herein named as may be imposed by the by-laws and ordinances passed by the trustees; and it shall be his especial duty to preserve the peace in the said town, arrest, with or without warrant, all persons he sees or knows to be engaged in breaking the peace or disturbing the quiet of the town, or violating the laws of the land, and take them before a justice of the peace or the police judge, to be dealt with according to law; he shall have the same power to call to his assistance, in suppressing disorderly persons and making arrests, that constables have; he may execute summons, executions, arrests, and any other process issued by the police judge, take replevin bonds and bonds authorized to be taken by constables under similar writs, and may execute any process that might be executed by a constable, and shall make proper returns of all processes put in his hands; but he cannot be compelled to receive processes in civil business, to be executed out of his civil district; but if he receives such, he shall execute the same. Duties of marshal.

§ 18. The town marshal shall make arrests in all cases where a constable or sheriff might for violation of the laws, as well as arrests for violation of the town ordinances and by-laws of the town. Before entering upon the discharge of the duties of his office, he shall give bond with surety to the Commonwealth, to be approved by the county court, that he will faithfully discharge his duties; on which bond he and his sureties shall be liable to any one aggrieved by its breach. He shall also take an oath to faithfully discharge his duties. May make arrests, &c.

§ 19. That a police court be, and is hereby, established in said town. The Judge of said court, elected by the voters of said town, shall hold his office for two years from his election, and until his successor is elected and qualified. That H. J. Foster, of said town, be, and he is hereby, appointed the first judge of said court, and shall hold his office until the first Saturday in May, 1876, and until a successor is elected and qualified; and on that day, and every two years thereafter, at same time the town marshal is elected, there shall be an election in said town by the qualified voters thereof for judge of the said police court. The judge of said court herein ap- Bond. Police judge to be elected. H. J. Foster appointed police judge. When elected.

1876.

Oath.

pointed, and the judges hereafter elected, before entering on the discharge of their duties, shall, before some officer, take an oath to faithfully discharge the duties of his office, and give bond to the Commonwealth, with good surety, to be approved by the county court, that they will well and truly perform their duties as judge of the police court; which bond shall be filed in the county court, and proceedings may be had thereon by any one aggrieved by its breach.

Shall hold court
for trial of civil
cases.

Jurisdiction.

§ 20. The police judge of said court shall hold his court in said town for the trial of civil business on the second Saturday in every month, and shall have the same civil jurisdiction as justices of the peace have in that civil district, and coextensive with the district; and the same rules of proceeding and practice shall apply as in justices' courts; and processes, writs, attachments, executions, and other writs issued by justices of the peace, may be issued by the police judge, and same proceedings had thereon as if issued from a justice: *Provided*, That all writs and processes issued by said judge may be directed to any constable of said county, or the town marshal of said town, and may be executed by either of said officers, or by the sheriff or other officer authorized to execute such writs and processes; any writs appropriate to the business in said court may be issued by said judge, whether named herein or not, and the proper proceeding had thereon as if issued from any other court of like jurisdiction. The said judge shall have the same jurisdiction in forcible entry and detainer that justices of the peace have under the Civil Code of Practice; summons shall be issued for same time before trial in said court as in justices' courts, and execution shall be issued, and proceeded upon, and made returnable, as in justices' courts; and a return day shall be fixed as in such cases. The said judge shall open his court at any time for the trial of misdemeanors and other public offenses over which he may have jurisdiction. He shall have the same jurisdiction over riots, routs, and breaches of the peace that justices of the peace have, and shall have the same jurisdiction over public offenses that justices of the peace have, and shall be governed by the same laws and rules in such proceeding, and shall issue the writs and processes that justices of the peace may issue in such cases: *Provided*, That all such writs and processes may be directed to and executed by the town marshal,

any constable, or the sheriff, and shall be proceeded upon as if issued by a justice of the peace. 1876.

§ 21. That in all prosecutions for public offenses bail may be allowed and taken as is authorized in such cases before justices of the peace; and on forfeiture of bail the same proceeding may be had as in such courts. Bail, &c.

§ 22. The said police judge shall have authority and jurisdiction to hold examining courts, and hold to bail in all cases, either when the offense charged be a misdemeanor or a felony, and shall proceed as an examining court under the Criminal Code of Practice. May hold examining courts.

§ 23. The said police judge shall open his court at any time for the trial of persons charged with a violation of the by-laws or ordinances passed by the trustees of said town, and shall have jurisdiction of all such matters, and shall issue an arrest or summons against any person violating any such ordinance or by-laws of the town when the judge has reasonable grounds, from information on oath of another, or from his own knowledge, or from information of a peace officer, or from one of the trustees of the town. The time of trial shall be fixed in the writ, which shall not be less than two days from the date of the summons; and if it be an arrest warrant, it shall be returnable forthwith. The party arrested, on being brought before the judge, shall immediately be tried, unless the case is continued to some other time, in which case bail may be given, with surety, as in case of trials of misdemeanors, which, if forfeited, shall be proceeded on against the sureties and principal, as in cases of forfeiture of bail in the criminal court, except that the summons shall be returnable before the police judge, at such time as he may fix, and then be tried, and judgment be rendered, according to law. All proceedings in said court for a violation of the ordinances or by-laws of said town shall be in the name of the Commonwealth; and all fines or forfeitures recovered in said court for a violation of ordinances and by-laws shall be paid over to the trustees of said town, and held and used by them for the benefit of said town; and on all judgments for a violation of said ordinances or by-laws, executions shall issue in the name of the Commonwealth, or *capias pro fine* may issue, on which writs same proceedings may be had as May open court for violation of town ordinances at any time.

1876. in case of such writs, when issued from justices' courts, or judgments in misdemeanor cases. The writs, execution, or *capias pro fine* may be replevied for three months as executions in civil cases; if the *capias pro fine* is not paid or replevied, the defendant shall be imprisoned in the county jail one day for each two dollars of the fine, and jailer's fees shall be paid by the trustees out of the town funds. All fines for violation of the by-laws and ordinances shall go to the trustees.

Police judge and trustees — when elected.

§ 24. An election shall be held in the said town, at the court-house, on the first Saturday in May, 1876, under the direction of J. M. Riddell and Arthur Blythe as judges, and they may appoint a sheriff and clerk of said election. At said election, a poll shall be opened for the election of a police judge of the said court, town marshal, and five town trustees; and the person receiving the highest number of votes for judge and marshal, respectively, shall receive the certificate of election, and on qualifying and giving bond, shall enter on the discharge of the duties of office, the judge first receiving from the Governor his commission. The five persons receiving the largest number of votes for trustees shall be the town trustees, and on receiving their certificates and qualifying, shall enter on the discharge of their duties. The judges of the election shall give certificates of election to the parties as entitled according to the foregoing.

Failure of parties appointed to hold election, county judge to appoint officers.

§ 25. If the said parties appointed judges fail to hold the election, then the county judge may appoint all the said officers, and they shall hold their offices until their successors are elected and qualified.

Trustees may appoint officers.

§ 26. A majority of the trustees shall constitute a quorum for doing business, and they may employ and appoint all necessary officers not herein provided, or suitable to carry out this charter, and remove them at pleasure, fill all vacancies by appointment in any office herein established, not herein otherwise provided for; pay the assessor and collector a reasonable compensation for their services, and likewise for all services rendered them for the town; provide by ordinance for the conducting of all elections after the first election; at the times herein fixed appoint judges and suitable officers therefor, and shall provide the form of election certificate, and by ordinance provide for contested elections under this charter.

Where police judge shall hold court.

§ 27. The police judge shall hold his court in the said town at the court-house, or at such place as he may provide; he

shall keep a record of all his proceedings in a well-bound record-book, certified copies from which shall be evidence in other courts and places; and appeals may be taken from his court or the courts of justices of the peace in that district; same amounts shall control as to what court appeals shall be taken in civil causes; and in prosecutions for public offenses, or violation of the town ordinances or by-laws, appeals shall be taken from judgments of justices, amounts governing in such cases as to what courts appeals shall go. The same fees shall be allowed the judge of the police court and town marshal as are allowed justices of the peace and constables for like services, and shall be collected as in such cases.

1876.

§ 28. The trustees may appoint a town attorney, and remove him at pleasure; he shall attend all prosecutions in said police court; he shall also attend all legal business required of him by said trustees, and shall receive from the trustees a reasonable compensation for his services; they may also appoint a town treasurer, and prescribe his duties, and require bond and surety from him for the faithful discharge of his duty. All oaths herein required* may be administered by any officers authorized to administer oaths.

Trustees may appoint town attorney.

His duties.

§ 29. That if the owner of any property adjoining any sidewalk in said town shall fail or refuse to keep such sidewalk in repair, or make a sidewalk along their property, when notified by the trustees to do so, then the trustees may proceed to have sidewalk repaired or made, and levy the cost thereof on the property, and collect the same as provided in reference to other taxes, or may sue the owner of the property therefor in the police court; the notices required in this section, or in any other section of this charter in reference to taxes, must be in writing, and signed by the chairman, and served by delivering a copy to the party to be notified; the taxes levied by the trustees for other purposes than sidewalks shall be levied at any time in the year; but the whole levy shall be made at the same time, except that levies made for sidewalks may be made at any time.

Penalty for failure.

To keep sidewalk in repair.

§ 30. There shall be a lien on the property in said town for the taxes assessed against it, and also for the poll-tax levied against its owner. The trustees shall examine and correct, if any correction be necessary, the assessments made by the town assessor; and any citizen may appear before them and show his objection to the assessment of his property; and

Lien on property for taxes.

Trustees to correct assessment

1876.

when the assessment is corrected, if any correction be made, and approved by the trustees, they may then make the levy by an entry on their record, showing the per cent. levied. A copy of the assessment, as approved, may be delivered by the trustees to the collector, with copy of the record showing the per cent. levied as tax, and he may then proceed to collect the taxes if required by the trustees; he shall likewise receive from the trustees a list of those subject to the poll-tax, and the amount of such tax, and proceed to collect the same if required by the trustees; and he shall pay over to the trustees, as they may require, the taxes collected.

Qualification of
officers.

§ 31. That the officers in this charter provided for, and all officers of said town, shall be citizens thereof, and shall have arrived at the age of twenty-one years previous to their election.

County judge
to fill vacancies
of town marshal
or police judge.

§ 32. That if the office of town marshal or police judge at any time becomes vacant, the county judge of Boone county shall fill the vacancies by appointment till the next regular election, and until their successors are elected and qualified. The appointment shall be in writing, and handed by the judge to the trustees, who shall note it on their record, and file it. The Governor shall commission each police judge, which commission shall be filed in the county clerk's office, and the filing thereof enrolled on the county court record.

Town marshal
to be fined for
failure to perform
duties of his office

§ 33. If the town marshal shall fail to perform any duty imposed on him by this charter, or by the ordinances and by-laws of the town, he shall be liable, for each failure, to a fine not to exceed one hundred dollars, to be recovered by prosecution in the police court on a warrant of arrest, to be issued by the judge of said court on information, on oath, of such failure, or when the judge has a personal knowledge thereof.

Jury.

§ 34. In all prosecutions in the police court, when the fine may exceed ten dollars, the defaulter may have a jury if desired.

Tax—when levied.

§ 35. The annual tax authorized to be levied on the real estate may be levied at any meeting of the trustees, and if the levy first made is not, in their judgment, sufficient, additional levies may be made at any time during the year; but the total of the levies made any one year on the real estate shall not exceed the sum of fifty cents on each hundred dollars' worth as assessed.

§ 36. This act shall take effect from its passage.

1876.

Approved March 11, 1876.

CHAPTER 652.

AN ACT to amend an act, entitled "An act to incorporate the town of Paintsville," approved March 25th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section (12) twelve of said act be amended by repealing all of said section after the words "Criminal Code of Practice," and inserting in their stead the following: Said court shall have concurrent civil jurisdiction within Paintsville precinct of all actions for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value. The judge of said court shall hold monthly terms, and the day on which the same shall be held shall be fixed by order spread of record, and advertised for (10) ten days in three different places in the town by posters, and shall not be changed without a like order and public notice. The fees of said judge shall be the same as the fees of clerks of other courts for similar services.

Terms of court to be held monthly.

Fees of judge.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 653.

AN ACT for the benefit of W. E. Clelland, late sheriff of Mercer county.

WHEREAS, W. E. Clelland, late sheriff of Mercer county, paid to the Auditor of Public Accounts the sum of two hundred and thirty-three dollars and seventy-one cents (\$233 71), being five per cent. on the amount of taxes unpaid by him on the first of April, 1872, assessed by the Auditor under the act of March 22d, 1871; and whereas, the Appellate Court has since decided, in the case of Culton vs. the Commonwealth, 9 Bush, 902, that the sheriff was only bound to pay so much of said five per cent. as he had collected of the tax-payers; and whereas, it is represented by said Clelland that he did not collect all of said five per cent; for remedy whereof,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts is directed to settle with said Clelland the amount of said five per cent. that he or his deputies collected, and draw his warrant on the Treasury in favor of said sheriff, for such part of said five per cent. as was not collected of the tax-payers of Mercer county.

§ 2. That the affidavits of said Clelland and his deputies, sworn to before the judge of the Mercer county court, as to how much of said five per cent. they have collected, may be considered by the Auditor as evidence of such fact.

§ 3. That this act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 654.

AN ACT for the benefit of W. M. Kirby, sheriff of Garrard county.

WHEREAS, The small-pox has been prevailing in the county of Garrard for some time past, and still prevails, rendering it practically impossible to complete the collection of the revenue within the time now prescribed by law:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Further time allowed to collect taxes.

§ 1. That W. M. Kirby, sheriff of Garrard, be, and is hereby, allowed further time, to-wit: until the first day of July next, to make his settlement with the Auditor: *Provided*, That the sureties on the official bond of said Kirby shall enter their consent before the county court to said extension.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 655.

AN ACT to protect game and to punish trespass on land in Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who shall go upon the lands of another for the purpose of hunting, shooting, or chasing any game or bird of any kind thereon, after public notice by the owner or occupant of such lands, as provided for in the succeeding

sections of this act, shall be fined five dollars for each offense; 1876.
and also be responsible for all actual damages the owner of Penalty.
such lands may suffer by reason of such trespass.

§ 2. The notice referred to in the preceding section shall be Notice to be
posted.
given by erecting and maintaining sign-boards, at least one
foot square, in at least two conspicuous places on each side of
the land designed to be protected; such sign-board to have
thereon the word "Posted," and the name of the owner or
occupant of the lands; and any person who shall tear down
or deface any such sign-board shall be fined twenty-five dol-
lars for each offense. The consent of the owner or occupant
of any lands posted as above provided, given to any person
to go on his lands to hunt, shall exempt him from the fine
herein imposed.

§ 3. All actions for the recovery of the penalties prescribed How penalty
recoverable.
in this act shall be in the name of the Commonwealth of
Kentucky; and the county judge and the justices of the
peace are hereby invested with jurisdiction to try and dis-
pose of all offenses against the provisions of this act in their
respective counties.

•§ 4. Any person convicted of a violation of the provisions
of this act failing to pay the penalty prescribed herein, to-
gether with the costs of prosecution, shall be confined in the
county jail for a period of not less than one day for each two
dollars of the penalty imposed.

§ 5. This act shall only apply to the county of Adair.

§ 6. This act shall take effect twenty days after its passage.

Approved March 11, 1876.

CHAPTER 656.

AN ACT for the benefit of the Dix River and Lancaster Turnpike Road Com-
pany.

WHEREAS, The Dix River and Lancaster Turnpike Road
Company since its incorporation has erected, at large cost, a
bridge over Dix river, on their said road; and whereas, the
stock of said company is insufficient to represent the value of
capital employed; and whereas, said road, by reason of the
construction of said bridge, has incurred a considerable in-
debtedness; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock increased. § 1. That the capital stock of said company be, and it is hereby, increased to twenty-five thousand dollars, the shares to remain at fifty dollars each.

May sell its franchises. § 2. That said road, upon a vote of a majority of the stockholders, shall have the right to sell its franchises, either publicly or privately; but such sale is in no case to be made unless concurred in by a majority of the justices of the peace in commission in Garrard county.

§ 3. This act takes effect on its passage.

Approved March 11, 1876.

CHAPTER 658.

AN ACT for the benefit of the town of Booneville, Owsley county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Trustees may grant licenses. § 1. That it shall be lawful for the board of trustees of the town of Booneville to grant licenses to keep coffee-houses or restaurants within the limits of the town of Booneville, and fix the rate of town tax thereon.

Rate of taxation. § 2. That the trustees of said town, in fixing the town tax on any of the above houses, shall tax each coffee-house in a sum not less than one hundred dollars nor more than five hundred dollars per annum, each restaurant not less than fifty dollars nor more than two hundred and fifty dollars per annum.

Bond required before license is obtainable. § 3. That before the trustees aforesaid shall grant any of the licenses in the above section of this act, they shall take from the person or persons to whom the same is granted a covenant, with good security, conditioned that no gaming or riotous or disorderly conduct shall be allowed at the place or on the premises, or in the building used for said purposes. The penalty of the covenant of the applicant shall be five hundred dollars; and also, in addition to the town tax above authorized, the trustees shall require such applicant to pay to the clerk of the county court the State taxes fixed by law; nor shall such licenses be granted to any person of a bad character.

§ 4. That the board of trustees of said town shall be, and is hereby, authorized to grant licenses to keep taverns in the limits of the town, upon the same terms and conditions, and with the same power, that the county courts now have by law in granting such licenses in their respective counties; the applicant taking the same oath, and executing, in presence of the board, a covenant or obligation, in substance and form as required by law in cases where the county court grants such licenses; and the said board may and is required to fix a town tax on each tavern-keeper licensed under the provisions of this section, in addition to the State tax fixed by law, the sum of not less than one hundred dollars nor more than five hundred dollars for one year, payable upon the granting of such license: *Provided, however,* That this section is not to apply to any place of entertainment where spirituous liquors are not retailed. Tavern-keepers obtaining license under the provisions of this section shall be liable to the same penalties, and under the same liabilities, and recoverable in the same manner, as now provided by law against tavern-keepers.

1876.

§ 5. That the board of trustees of said town be, and are hereby, granted the exclusive right to grant license to tavern-keepers within the limits of said town. That all tavern-keepers who may apply to, and obtain license from, the county court to keep taverns within the limits of the town, shall, before they operate under their license, pay to the clerk of the board of trustees or town treasurer a town tax, to be fixed by the board, of not less than one hundred dollars nor more than five hundred dollars; and in a case of a violation of the provisions of this section, every such tavern-keeper shall be liable to the fine imposed by law for keeping tippling houses, recoverable by judgment of a grand jury, or by a summons or warrant of arrest before the police court.

§ 6. That any person who shall open and keep a tavern-coffee-house, or restaurant, within the limits of said town, without first obtaining a license in according with the provisions of this act, and payment of the town and State taxes imposed, shall be fined not less than ten dollars for every day he or she keep such taverns, coffee-houses, or restaurants, recoverable before the police court by proper process in the name of the trustees of said town, and applied to the benefit of said town.

Fine for failure
to obtain license.

1876.

Clerk of board
to report list of
licenses.

§ 7. That the clerk of the board of trustees of said town shall report to the clerk of the circuit court, on or before the first day of every circuit court, a list of persons to whom licenses have been granted by the board of trustees, to be laid before the grand jury.

§ 8. That all taxes collected under and in pursuant to this act shall be applied to the improvement of the streets of said town.

§ 9. That all laws inconsistent with this act are hereby repealed.

§ 10. That this act to take effect from its passage.

Approved March 11, 1876.

CHAPTER 659.

AN ACT to regulate the sale of vinous, spirituous, and malt liquors in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Petition for
election.

§ 1. That it shall be the duty of the judge of the Union county court, upon a written petition to him, signed by at least twenty voters of said county, to make an order on his order-book, at the next regular term of his court after he receives such petition, directing that, at the next regular election in said county for the election of State or county officers, it shall be the duty of the clerk, or one of the judges of such election, at each of the election precincts in said county, to propound to each voter voting at such election the question, "Are you in favor of the sale of spirituous or vinous or malt liquors in Union county?" and that his vote shall be entered for or against it as he directs. But such judge shall not make such order until the persons signing the petition have deposited with him money sufficient to pay for printing and posting the advertisements herein mentioned, and the fees of the clerk for making entries on the order-book, and other legal expenses.

Order—how
made.

Clerk to deliver
copy of order to
sheriff.

§ 2. It shall be the duty of the clerk of said court to deliver to the sheriff of said county, within ten days after such order is made, a copy of said order, duly certified by him to be a copy of such order; and it shall be the duty of said sheriff to have a printed copy of such order posted up at as

many as five conspicuous places in each election precinct in said county, within ten days after such copy shall be handed to him as aforesaid, and at least twenty days before the time fixed by law for holding such election.

1876.

Printed copy
to be posted.

§ 3. If such order be made, and such notice be given, a poll shall be opened at each election precinct in said county, by the officers of the election at each of said precincts, and one of the judges or the clerk of the election at each of said precincts shall propound to each voter who may vote at such election the question, "Are you in favor of the sale of spirituous, vinous, or malt liquors in Union county?" and his vote shall be recorded by said clerk for or against it as he directs. The polls shall be returned as the other polls in said election, and shall be examined and compared by the same officers.

How polls are
to be opened.

How returnable.

§ 4. If it shall be found that more votes at said election were given against than were given for the sale of spirituous, vinous, or malt liquors in said county, it shall be the duty of examining board to certify that fact, and their certificate of such fact shall be delivered to and safely kept by the clerk of said court; and at the next regular term of said court the judge thereof shall have the same spread upon the order-book of said court. A copy of the record of such certificate, certified by the clerk of said court, shall be *prima facie* evidence in all proceedings under this act.

How votes are
counted.

Copy of certifi-
cate to be kept.

§ 5. After such certificate shall have been spread upon the order-book of said court as aforesaid, it shall be unlawful for any person to sell any spirituous, vinous, or malt liquors in said county; and any person who sells any such liquor in said county shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Penalty for vio-
lation of order.

§ 6. The provisions of this act shall not apply to any manufacturer or wholesale dealer, who, in good faith, sells only by the wholesale, in the usual course of trade, nor to druggists, who sell only for medicinal purposes, on a prescription made and signed by a regular practicing physician. No physician shall make or sign any such prescription, unless the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine; and any person who makes or signs any prescriptions for such liquors, except as provided for in this act, shall be guilty of a violation of this

Who are ex-
empt from this
act.

Physician pun-
ishable for giving
false prescription

1876. act, and, on conviction thereof, fined twenty-five dollars for each offense.

§ 7. The election provided for in this act shall not be held oftener than once in every two years; and this act shall be in force from and after its passage.

Approved March 11, 1876.

CHAPTER 660.

AN ACT to amend the charter of the Congregation Adas Israel, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

May acquire
and hold land for
a cemetery.

Exempt from tax-
ation.

§ 1. That the Congregation Adas Israel, of the city of Louisville, be, and is hereby, authorized and empowered to take, acquire, and hold, by purchase, gift, or devise, for the purpose of providing a suitable and permanent cemetery at or near Louisville, in the county of Jefferson, State of Kentucky, any quantity of land in the county of Jefferson, near the city of Louisville, not exceeding twenty-five (25) acres, and receive a conveyance of the same in its corporate name, or to hold for such purposes such lands as have heretofore been purchased by the said congregation for the use of said cemetery, which land, when so conveyed, shall be held by said congregation for a cemetery, and shall never be alienated or used by said congregation for any other purpose; and said land and its appurtenances shall be forever free and exempt from all taxation, and from all executions, attachments, or other legal process, and from any charge, liability, appropriation, or assessment to or for any public purpose inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated.

Plats to be re-
corded.

§ 2. Said congregation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating the said avenues and walks by name, and the said burial lots by numbers, which plat or plan shall be recorded on the books of the said congregation, and on the records of title of said Jefferson county. After the said land is thus laid off, the congregation shall have power to sell said burial lots in such manner, and on such terms, as may be prescribed by the board of trustees of said congregation.

§ 3. Each purchaser of a burial lot or lots in said cemetery, upon the production of a receipt in full for the price of a lot or lots purchased by him from the acting treasurer of the congregation, shall be entitled to a conveyance of said lot or lots, which conveyance shall be made by a certificate of the board of trustees of the congregation, under the seal of the congregation, and countersigned by the acting secretary of the congregation, specifying that such purchaser is the owner of such lot or lots; which certificate shall be recorded on the books of the congregation and on the records of title of Jefferson county; and such certificate shall vest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs and assigns, forever, exempt and free from all assessments or taxation or execution, attachments, or other legal process, and shall have the same effect, for all purposes, as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the congregation and its board of trustees; and said lots shall never be used by said purchasers for any other purpose than that of burial lots; and if applied to any other purpose and use, the right and title thereto shall revert to the said Congregation Adas Israel.

1876.

How lots are conveyed.

§ 4. The said congregation, through its board of trustees, shall have the power to make all by laws, rules and regulations, for the government, management, and control of the said cemetery, not inconsistent with law and the provisions hereof, and do such other things as are necessary to effectuate the objects and purposes hereof, which is to provide a suitable and permanent cemetery at or near Louisville, in the county of Jefferson, State of Kentucky, for the burial of the dead; shall collect and expend all moneys arising from the sale of lots or otherwise; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, and embellish and adorn the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments or vaults upon the cemetery lots by purchasers; and shall have power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same.

May make by-laws, &c.

§ 5. If any person shall willfully, and without lawful authority, violate any of the graves of the dead, or deface or

Penalty for trespass.

1876. remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and beside being liable to the congregation, or the owner of the lot injured, for the damage or injury done, he shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars for each offense, recoverable by warrant before the city court of Louisville or any justice of the peace of Jefferson county.

§ 6. This act shall take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 661.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in relation to the town of Greenupsburg.'"

WHEREAS, An act approved February 23d, 1874, fails to refer to the different acts previously passed in relation to the town of Greenupsburg, now "Greenup;" and whereas, various acts have been passed in relation to said town, beginning with the act of February 4th, 1818, and ending with the act of February 23d, 1874; and whereas, many of said acts are acts repealing acts previously passed; and whereas, the act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg," now Greenup, approved February 16th, 1866, repeals all acts in relation to the town of Greenupsburg (now Greenup), except the act approved the 4th day of February, 1818, and repeals the sixth section of said act approved 4th day of February, 1818; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts heretofore passed by the General Assembly of the Commonwealth of Kentucky in relation to the town of Greenupsburg, now Greenup, are hereby repealed, except such acts as are therein enumerated, as follows: An act approved February 4th, 1818, and the sixth section of said act is repealed; act approved February 16th, 1866 (Acts 1865-'6, page 515); act approved March 8th, 1867 (Acts 1867, volume 2, page 358); act approved March 9th, 1868 (Acts 1867-'8,

Repealing
former acts ex-
cept as adopted
herein.

volume 2, page 393); act approved March 4th, 1869 (Acts 1869, volume 1, page 620); acts approved March 9th, 1869, March 15th, 1869, and March 16th, 1869 (Acts 1869, volume 2, pages 97, 364, and 561); act approved March 13th, 1872 (Acts 1871-'2, volume 2, page 4); act approved April 16th, 1873 (Acts 1873, volume 2, page 308); act approved February 23d, 1874, (Acts 1873-'4, page 607). The foregoing acts are hereby declared to be in full force and effect. .1876.

§ 2. *Be it further enacted*, That the board of trustees of said town shall, in levying the ad valorem tax in pursuance of section eight of the act approved March 8th, 1867, appoint an assessor to take a list of such real estate as is taxable within the corporate limits of said town; said assessor shall live within corporation lines, and shall, before entering upon the duties of his office, take an oath duly and impartially to discharge said duties; and in case parties living within the corporate limits, who are properly subject to taxation, refuse to give information as to value of their taxable property, it shall be his duty to value and assess said property from the best information that he can procure; he shall, on or before the 20th day of April in each year, complete and return the list so taken to the board of trustees; and upon such return made to them, the board of trustees shall give ten days' notice, in writing, posted in three of the most public places in said town, stating that the board would meet at a designated time for the purpose of revising such assessments as are excessive, and they shall also serve notice, personally, on such persons as may have listed their property at too low a valuation, and at such stated meeting they may reduce or increase said valuation, as may be shown to them to be just; he shall also, at same time, assess such poll-tax as the trustees may adjudge in their levy on all persons liable therefor.

Appointment of town assessor, & his duties.

§ 3. Section thirteen of an act approved February 16th, 1866, is hereby amended that the trustees may appoint a collector of the town revenue, who, before entering upon the discharge of his duties, shall execute bond, with approved security, for the faithful performance of the same.

Town collector, and his duties.

§ 4. The police court of Greenup shall be open for the transaction of civil business on the fourth Monday of each month, and may continue not exceeding two days at each term.

Time for holding police court.

§ 5. Section one of an act to exempt certain lands within the corporate limits of the town of Greenup from municipal

Road tax on lands exempted from municipal taxation.

1876. taxation, approved April 16th, 1873, is hereby amended, by adding to said section, "but owners of lands coming within the provisions above shall be required in lieu thereof to pay such road tax on said exempted lands as are now assessed under what is known as the road law applicable to Greenup county;" and the taxes thus arising shall be expended on the improvement of the roads upon which said lands border. The mode of assessment and collection of same shall be as is provided in sections two and three of this act.

Police judge to give bond before acting as such.

§ 6. The police judge of Greenup, after the expiration of the term of the present incumbent, viz : first Monday in June, 1876, shall be required to execute bond before the county court for Greenup county for the faithful and true discharge of his duties before assuming the office; and if he neglect so to execute bond as above described, the office may be declared vacant after thirty days has elapsed since the day of his election.

Town marshal.

§ 7. The town marshal shall be governed by the General Statutes in regard to removal, vacancy, and malseasance and misfeasance in office.

Pay of trustees.

§ 8. From and after the fifth day of June, 1876, the board of trustees for the town of Greenup shall hold a monthly meeting, to be known as the "regular meeting" of said board; and they shall be each allowed not exceeding the sum of two dollars for each regular meeting so attended.

§ 9. This act shall take effect on the fifth day of April, 1876, except the eighth section, which shall take effect on the fifth day of June, 1861.

Approved March 11, 1876.

CHAPTER 662.

AN ACT to incorporate the Zoological Garden Association, of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators.

§ 1. That James C. Hale, Charles A. Hale, A. V. Dupont, John M. Boggs, A. K. Shepard, T. C. Coleman, J. D. Guthrie, be, and they are hereby, made and constituted a body politic and corporate, with perpetual succession for the space of thirty years, under the name of "The Zoological Garden Associa-

Name and style.

tion, of Jefferson county," with the ordinary powers of suing and being sued, contracting and being contracted with, acquiring by gift, bequest, or purchase, holding and enjoying, transmitting, conveying, or encumbering real and personal property, and using a common seal: *Provided*, That the property of the corporation, other than the gardens or grounds, and the needful buildings, fixtures, implements, and furniture, and the animals kept upon the same, shall never exceed fifty thousand dollars in value.

1876

Corporate powers.

Common seal.

§ 2. The object of the corporation shall be the establishment and maintenance of a zoological garden in Jefferson county, and shall embrace the keeping of domestic and wild beasts, birds, and other animals; an aquarium, and arrangements for hatching from the spawn such fishes as are desirable for the streams and rivers of Kentucky; the exhibition of merino and other fine breeds of sheep, llamas or alpacas, Angora and Cashmere goats; sable, mink, otter, and other fur-bearing animals; poultry, and, in general, the encouragement and advancement of the farming industries which are connected with the smaller animal creation.

Object and purposes.

§ 3. The capital of the corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of ten dollars each; and as soon as five thousand dollars are subscribed, and one dollar per share has been paid to the temporary treasurer, who may be elected by the above named corporators, the corporation may be organized and proceed to work; but the stock may be increased, from time to time, within the limit named, by a vote of the stockholders.

Capital stock.

When to commence business.

§ 4. Subscriptions of stock may be taken by each of the corporators, who are hereby constituted provisional trustees; and as soon as the necessary stock is subscribed, and the deposit thereon paid, as provided in section three, a stockholders' meeting shall be called, which shall elect from among the stockholders six trustees, and shall notify the Governor of this Commonwealth of this election; whereupon he shall appoint a seventh trustee; and the seven shall constitute a board for managing the affairs of the association, and shall hold office until the first Monday in March, 1877, or until their successors are chosen and have accepted their office; and upon the first Monday in March, 1877, and of each succeeding year,

Stock—how subscribed.

Board of trustees.

When elected.

1876.

the stockholders shall hold their general meetings for the purpose of electing six trustees; but the trustee appointed by the Governor shall hold his office for such time as the order appointing him may name, not exceeding four years, unless his appointment be sooner revoked.

May make by-laws, &c.

Quorum.

Vacancy—how filled.

Officers—when elected.

§ 5 The corporation may, in general meeting, make all by-laws and regulations needful or proper for managing its affairs, and they may delegate this power in whole or in part to its board of trustees. Four members of the board, when it is properly called, shall constitute a quorum for the transaction of business. Any vacancy among the elected trustees, arising from death or resignation, may be filled by the rest of the board for the unexpired term. The board shall, in each year, elect the president, secretary, and treasurer of the association, and shall appoint the superintendent of the zoological garden, and provide for the employment of needful assistants, keepers, clerks, and workmen about the same.

May hold a fair.

No intoxicating liquor to be sold.

§ 6. The association may, for at least six days in every year, hold a fair, for exhibiting domestic animals, fine wool sheep, merino and other breeds, llamas and alpacas, Angora and Cashmere goats, otters, mink, sable, and fine fur-producing and bearing animals; speckled trout and salmon, and other desirable fish, suitable for replenishing the streams and rivers of Kentucky, and the mode of hatching fish from the spawn; poultry, the best varieties for laying, feathers, and dressed for market, including chickens, ducks, geese, and pigeons; and such other animals as they may deem fit, which fair shall be open to the exhibitors from within or without the State. To the successful exhibitors at these fairs premiums may be awarded. No intoxicating drinks or beer shall ever be sold upon the grounds of the association. Entertainments, musical or otherwise, beyond the mere view of the grounds and animals, may be given at the zoological gardens at any time, except on the Sunday. On the 22d day of February, of every year, the grounds shall be opened, free of charge, to all visitors.

Exempt from taxation.

§ 7. The grounds upon which the zoological gardens and aquarium are kept, with the necessary buildings, fixtures, implements, and furniture for the same, and for the exhibitions of sheep, goats, fish, poultry, and the other animals, and all animals of all kinds, belonging to the association, kept

for show or exhibition only, and the exhibition of the same shall be free from State, county, and municipal taxation; but this exemption shall in no case extend to more than twenty acres of ground, nor to any grounds or buildings that may be rented out, or that are not actually used by the association for its purposes heretofore stated, nor to any horses, mules, jacks, jennies, oxen, cows, heifers, calves, sheep, goats, hogs, buggies, or other pleasure carriages: *Provided also*, That whenever the profits of any year shall be such as to yield a dividend on the stock, the property shall be liable for State taxes for the succeeding year. 1876. Proviso.

§ 8. The corporation may be dissolved before the end of the term of thirty years, by the vote of two thirds of its stockholders, at an annual meeting, or at a meeting called for that purpose, upon ten days' notice. How may be dissolved.

§ 9. This act is to take effect from its passage.

Approved March 11, 1876.

CHAPTER 663.

AN ACT to incorporate Guthrie City, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Guthrie City, in the county of Todd, be, and the same is hereby, incorporated, the boundary of which is to be surveyed and laid off by and under the direction of W. T. Spalding, A. F. Rodgers, A. A. Rowland, C. A. Clarke, and Waller Lewis, beginning in the centre of the main track of the Saint Louis and Southeastern Railway, where the same crosses the line between the States of Kentucky and Tennessee; thence with said State line southwardly, crossing the Memphis Branch of the Louisville and Nashville and Great Southern Railroad, to a point in said State line where a course will strike the southwest corner of the lands of Charles Waggener, and continuing the same course with his west boundary line to the west edge of the road leading from Graysville to Guthrie City; thence with the west edge of said road northwardly to the line of the lands known as Guthrie City Park; thence with said line southwardly to their corner; thence with their line westwardly to their corner; thence with their line northwardly, and continuing the same course Boundary.

1876.

to the east edge of the said road leading from Graysville to Guthrie City; thence with the east edge of said road to a point where the line first coming to said road will strike; thence a line parallel with the Memphis Branch of the Louisville and Nashville and Great Southern Railroad, where the same crosses the Saint Louis and Southeastern Railway, crossing the same to a point eighty poles from the centre of the main track of said road; thence a line parallel with said road southwardly to a point where a line at right angles will strike the beginning; thence to the beginning: *Provided*, That the residence of Waller Lewis shall not be included in the corporate limits of said town of Guthrie City. A plat of said survey shall be made out and filed in the office of the Todd county court; and the clerk of said court is hereby directed to record the same upon payment of the fee for same; and the said W. T. Spalding, A. F. Rodgers, A. A. Rowland, C. A. Clarke, and Waller Lewis, are hereby appointed a board of trustees of said Guthrie City, who shall continue in office until the regular May election in 1877, and until their successors are duly elected and qualified. They and their successors, before entering upon the duties of their office, shall, in addition to the oath prescribed by the Constitution, take an oath "that they will faithfully discharge the duties of trustees of Guthrie City during their continuance in office." They shall record a plat of the survey of said Guthrie City, which shall form part of their record.

Trustees—how
elected.

§ 2. That hereafter the fiscal, prudential, and municipal affairs of Guthrie City shall be vested in and managed and controlled in the five trustees appointed by this act, and their successors, to be chosen annually at the first regular election in May by the qualified voters resident in said Guthrie City. The trustees when elected shall hold their offices for the term of one year, and until their successors are elected and duly qualified; and in the event a vacancy shall occur in said board from any cause, the remaining members thereof shall have power to fill said vacancy until the next annual election.

Vacancies—how
filled.

Corporate pow-
ers.

That the board of trustees appointed by this act, and their successors, shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Trustees of Guthrie City;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being

Name and style.

answered, in all courts and places, and in all matters and things whatsoever; and to do all acts, matters and things, which a body-politic or corporate, having perpetual succession, can lawfully and rightfully do; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

1876.

§ 3. That said board of trustees, after their qualification, shall elect one of their number chairman, who shall preside over the deliberations of the same when convened, and have power to convene the same when, in his opinion, the interest of the town requires it; it shall be his duty to see that all the ordinances and by-laws of said town are duly executed; in his absence at any meeting of the board, the members shall elect a chairman for the occasion; the officer presiding at any meeting shall preserve order, put questions, and sign the minutes when approved by the board; they may fix, by their by-laws, the times of their regular meetings, when a majority shall constitute a quorum for the transaction of business; all business transacted at a call meeting shall be as valid as though transacted at a regular meeting, provided that four trustees are present; they shall have power to provide by-laws for punishing any one guilty of disorderly conduct in their presence while in session, and may pass all such by-laws and ordinances, not inconsistent with the Constitution and laws of this Commonwealth, as they shall deem right and proper; they shall elect one of their number clerk, whose duty it shall be to make a full, fair, and complete record of all the transactions and proceedings of the board, which shall be open for the inspection of any person desirous of seeing the same; he shall keep all the papers and documents of said town, and perform all the duties which may be prescribed for him by said board, not inconsistent with this act; they shall elect one of their number treasurer, and take bond from him, with approved security, conditioned for the faithful performance of his duty and disbursement of all moneys received by him, as ordered by the board, and that he will settle his accounts, and pay over to his successor any balance in his hands at the expiration of his term of office. "The marshal of Guthrie City police court," or other officer collecting fines, taxes, or money due for licenses, or money recovered in 'Guthrie City police court,' hereinafter provided for, or any

Chairman—his duties.

May make by-laws.

Treasurer—his duties.

1876.

Town assessor
—his duties.

How property
to be listed.

Proviso.

other court, for the use and benefit of said town, or "the board of trustees of Guthrie City," shall pay the same over to said treasurer, and take his receipt therefor, and file it with the clerk of the board, who shall note it on the records. The treasurer shall not pay out any money except on the order of the board, certified by the clerk, and indorsed by the chairman; they shall elect an assessor, whose duty it shall be to take a list of all the taxable property and taxable inhabitants resident in Guthrie City, and affix against each, separately, the cash value of such property, and the amount of his, her, or their whole estate within said town subject to taxation under the laws of this Commonwealth; he shall call on all resident persons for a list of their taxable property, and shall administer to such persons, or other persons owning property in said town listing the same, the following oath or affirmation: "You do solemnly swear (or affirm) that you will true and perfect answers make to such questions as may be asked you concerning your taxable estate in Guthrie City, and that you will give a full and complete list of all and species of property belonging to you, or in your possession, or under your control, subject to taxation on the first day of April last—so help you God;" and if any person shall refuse to take such oath or affirmation, or to give a list of his, her, or their taxable property, the assessor shall assess the same, as also the taxable property of any one not a resident of said town, from the best of his information, and return or deliver the same to the clerk of the board of trustees on or before the first day of July in each year, whose duty it shall be to present the same to the board of trustees, who shall correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and in cases where they shall be of opinion that the estate or property has been incorrectly valued, to fix the same at its proper value; said board shall also have power to add any lists omitted by the assessor:

• *Provided, however,* That all persons listed by the assessor may have the right to appear before them, in person or by attorney, and introduce evidence concerning their property. After said board shall have examined and approved said tax-lists, it shall be the duty of the clerk of said board to make out and deliver a fair copy of the same to the collector hereinafter provided for, and take his receipt therefor; and the board of trustees shall, by their warrant, authorize and direct the col-

lector to collect the same. The taxes levied by this act shall be due and payable on the first day of August in the same year in which the property is assessed; and the town of Guthrie City shall have a lien for such taxes on the property of each person assessed for taxation, which shall not be defeated by sale or alienation. The board of trustees shall have power to provide by ordinance that tax-payers shall receive credit for the amount of the usual collector's commissions for collecting taxes, upon the payment of their taxes to the treasurer by a day to be fixed by ordinance; they may also provide by ordinance that ten per cent. shall be added on all taxes not paid on or before the first of December in each year, which per centage shall be accounted for by the collector of the town; they shall elect a keeper of a work-house and watch-house, hereinafter provided for, whose duty it shall be to keep the same, together with all other public buildings in said town, in the manner the law now does, or may hereafter require, county jails and other public buildings to be kept. Said keeper shall execute bond, with approved security, before the board of trustees, to be approved by them, conditioned in all respects as the bond of a jailer, and shall be subject to the same penalties imposed on jailers for violation of duty, which bond shall be attested by the clerk of the board, and carefully preserved by him, and who shall give attested copies, when requested so to do by any person, which shall have the same force and credit in all courts of justice as other records from said office are entitled to under existing laws. It shall be lawful for said keeper to appoint such deputies or assistants as he may deem necessary to carry out fully the objects of this act. They shall make all town officers such compensation as they may deem proper.

1876.

Tax—how collected.
Lien on property for taxes.

Keeper of work-house—his duties

Shall give bond.

Shall keep record.

§ 4. That said trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town. They shall have power to compel the removal of any obstruction in the streets or alleys, and to open the same in said town; and to open new streets or alleys whenever and wherever they may deem it necessary or proper for the interest of the town so to do; and may extend any of the streets or alleys to the town limits, and have power over the same; and may direct the improvement of the same as they may deem most beneficial to the interest of the town. They may take and hold real estate or personal property, by

Trustees—their powers and duties.

1876.

Proviso.

purchase, devise, bequest, or otherwise, for the use and benefit of said town, and may lease or sell and convey the same: *Provided, however,* That they shall not purchase, lease, or sell real estate, except by a vote of four trustees, whose names shall be entered on the record. They shall regulate the storage of gunpowder, burning oils, or other combustible matter or materials, or materials of an unhealthy character, which may endanger the safety of any property or buildings in said town, or the health or comfort of any of its inhabitants. They may require chimneys, flues, or stove-pipes which may endanger the safety of property, to be repaired or changed so as to render them safe; and may provide by suitable penalties for compelling obedience to their orders. They may by their by-laws regulate and govern the market in said town; and prevent the sale of unwholesome meats, fruits, vegetables, &c., in said town. They may prevent the exhibition of immoral or obscene shows or pictures in said town. They may establish a work-house and watch-house, and make all regulations requisite for the control of said work-house and watch-house. They shall have power to abate all nuisances and obstructions, and to cause all stables, pens, and privies, which shall become offensive, to be cleansed or discontinued. They shall have power by suitable ordinances or by-laws, and with adequate penalties, to protect all shade trees which the owner or occupier of any lot has, or may plant in front of his or her lot. They shall have power by suitable ordinances or by-laws, with adequate penalties, not, however, to exceed ten dollars fine or five days' imprisonment and labor in the work-house, or on the public streets or alleys in said town, or both, to suppress drunkenness, indecent conduct or language; and by suitable ordinances and by-laws, not, however, to exceed fifty dollars fine or twenty-five days' imprisonment and labor in the work house, or on the public streets or alleys in said town, or both, to suppress rioting, disturbing the public peace, unlawful assemblies, breaches of the peace, disturbing of schools, public speaking or lecturers; and by suitable ordinances and by-laws, with adequate penalties, not, however, to exceed one hundred dollars fine or fifty days' imprisonment and labor in the work-house, or on the public streets or alleys in said town, or both, to suppress tippling-houses, gambling-houses, bawdy-houses, and disturbing of religious worship, or persons as-

sembled for that purpose; and to pass all such by-laws or ordinances as shall be necessary and proper to carry out any power given by this charter, or for the suppression and punishment of all such other disorders and irregularities as shall, in their judgment, be deemed prejudicial to good order and the quiet of said town; and they may also define what offenses shall be considered a breach of the good order of said town. They shall have power to levy and collect an ad valorem tax on the property in said town, not exceeding in any one year the State revenue proper over that year, on the one hundred dollars in any one year, and a poll-tax on each male person over the age of twenty-one years, not exceeding two dollars. They may, at their discretion, license and tax all taverns, groceries, victualers, confectioneries, restaurants, coffee-houses, retailers of spirituous, malt, or vinous liquors, wine or cider, livery stables, insurance agents, auction sales, peddlers, brokers, gift enterprises, shows, or exhibitions exhibiting in said town, alleys for nine or ten-pins, billiards, jenny lind or other tables for recreations or amusement, and all other houses of public resort in said town, except gambling-houses or houses of ill-fame, and fix the tax therefor in any sum not exceeding five hundred dollars per annum, and to discontinue any of said licenses at pleasure: *Provided, however,* That the treasurer of the board of trustees shall pay to the clerk of the Todd county court, or other person which now or may hereafter be authorized to receive it, the amount which now or may hereafter be required to be paid for such license each year; and any law giving the county court of Todd county authority to license taverns, merchants, and druggists to sell spirituous liquors, or any other license authorized to be granted by the board of trustees by this act, is hereby repealed; but the license which any tavern-keeper, merchant, druggist, or other person has obtained, shall be good until the time for which it was granted shall have expired: *Provided further,* That nothing in this act shall be so construed as to authorize the person to whom a license is granted by said board of trustees to make sale, or do any act thereunder, until the treasurer of the board shall have paid the amount required to be paid for such license as hereinbefore set forth. They may tax any person doing business in said town, after the regular assessment is made

1876.

for the year, such proportion as the residue of the year bears to the whole year. No person shall be allowed to sell spirituous, malt, or vinous liquors, wine or cider, in said town, in any quantity whatever, without first having obtained a license from the board of trustees so to do, and paid the tax therefor; and any person who shall be found guilty of selling such liquors without license, or of selling such liquors otherwise than in strict accordance to such license, shall be fined in any sum not less than fifty nor more than one hundred dollars for each offense. They may require all vendors of spirituous, malt, or vinous liquors in said town to close their bar-rooms on Sundays, election days, or on such other public days and occasions as may be deemed proper by said board, and not to sell such liquors on Sunday, election days, and such other days as the board may require their bar-rooms closed. That if any vendor of spirituous, malt, or vinous liquors, wine or cider, licensed by said board of trustees, shall permit disorderly or scandalous behavior in his house or on his premises, or shall permit unlawful gaming in his house or on his premises, or shall fail to close his bar-room, or desist from selling such liquors in obedience to the ordinances or by-laws which may be passed under the provisions of this act, or permit any one to drink to intoxication in his house or on his premises, they, or any of them, shall, on conviction, be fined, for the first offense, not less than ten nor more than fifty dollars, in the discretion of the court or jury trying the case, and the license of such person shall be suspended until the fine and costs are paid; and on the second conviction the fine shall not be less than fifty nor more than one hundred dollars, and the license of this offender shall be declared forfeited, and he shall not be again licensed to carry on the same business in said town for one year; and if the fine is not forthwith paid or replevied, he shall be confined in the work-house of said town at labor one day for each two dollars of the fine and costs. All penalties authorized by this act may be recovered before the judge of Guthrie City police court hereinafter provided for.

Police court.

Jurisdiction.

§ 5. That there is hereby created and established in said town a police court, to be known and styled Guthrie City Police Court, the officers of which shall consist of a judge and marshal, which court shall be held by the police judge; said court shall have exclusive original jurisdiction in all

prosecutions for violations of any of the provisions of this charter, and of the ordinances and by-laws of said town, and the jurisdiction of a justice of the peace of offenses against all the Commonwealth within the limits of said town. It shall have power to take recognizances from persons charged with offenses cognizable before said court to appear and answer, the same that circuit courts have, and like power to forfeit the same, and proceed in the same way that circuit courts are directed to proceed. It may commit persons to the county jail or work-house or watch-house in default of bail, and shall have all the powers for the arrest, trial, conviction, and punishment of persons for all the offenses over which it has jurisdiction, that are given the several courts of this Commonwealth having jurisdiction over like offenses, and may proceed in the same way for the trial of such offenses, and inflict the fines and punishments, and enforce the collection of the same, as such courts are by law authorized to do; said court may be held at any time for the trial of cases over which it has jurisdiction, and the provisions of the Criminal Code of Practice, except when inconsistent with this act, shall apply to proceedings in all such cases. All warrants issued by the judge of said court for offenses committed in said town, in violation of the provisions of this act, or the by-laws and ordinances of said town, shall be in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees of Guthrie City, and shall be directed and delivered to the marshal of Guthrie City police court, or any peace officer of Todd county, and shall be executed and returned by the officer to whom they are delivered to the police court for trial. All other warrants issued by said court shall be in the name of the Commonwealth of Kentucky, and be returned by the marshal or other peace officer to whom they are delivered to the police court, county judge, or justice of the peace, or other police court, for trial. Said police court shall have power to take bail for the appearance of persons charged with offenses within its jurisdiction at a subsequent day for trial, or to indorse on warrants issued the sum in which the defendant may be admitted to bail, by the officer making the arrest, for his appearance on a day to be fixed by such officer; and in case any defendant shall fail to appear in discharge of his or her bail, may declare the same forfeited, and proceed

1876.

Warrants—how
issued.

1876. as hereinbefore directed: *Provided, however,* That the bail required of a defendant shall in no case exceed the amount of the fine which might be imposed. Said court may issue *capias pro fine* on all its judgments; and in all cases when a *capias pro fine* may be issued by said court, it may enter a judgment specifying that the person convicted shall be confined in the county jail, or at labor in the work-house, or on the streets or alleys in said town, under the regulations of the board of trustees, until the fine or fines assessed against him, and the costs of the prosecution, are paid or discharged, at the rate of two dollars per day: *Provided, however,* That the person so arrested and confined shall, by paying the full amount of said fine and cost, be discharged from custody. In case of the inability of the judge of the police court to hold his court from any cause whatever, or in the event of his absence from said town, the chairman of the board of trustees shall act as judge until such inability ceases to exist, or until the return of said judge to said town; and he shall take the same oaths of office as the regular judge is required to take. Appeals may be taken from judgments of said police court to the Todd circuit court in any case when, by the provisions of the Criminal Code of Practice, such party would have a right to appeal from a judgment of judges of quarterly courts or justices of the peace, and the appeal shall be taken in same manner, within the same time, and on the same conditions, as from judges of quarterly courts or justices' courts.

Judge—how
elected.

Shall take oath.

Marshal shall
take oath.

§ 6. The board of trustees shall appoint a judge of said court and a town marshal, who shall continue in office until the regular May election in 1877, and until their successors shall be duly elected and qualified. Said judge, and his successors in office, shall be commissioned by the Governor; and before entering upon the duties of his office, shall, in addition to the oaths required of county judges, take an oath "that he will, to the best of his ability, faithfully, and without partiality, favor, or affection, to any one, discharge the duties of judge of Guthrie City police court during his continuance in office." Said marshal and his successors shall, before entering upon the duties of his office, in addition to the oath prescribed by the Constitution, take an oath before the judge of said police court "to faithfully and impartially, in all things belonging to his office, do right as well to the poor as the rich, and that he will do no wrong to any man for any

gift or reward, nor for favor or hatred, and that in all cases he will execute the duties of his office, to the best of his ability, during his continuance in office;" and shall execute a bond, with one or more good and sufficient sureties, to be approved by said judge, payable to the Commonwealth of Kentucky, with the same conditions of a constable's bond; and the same may be put in suit for a failure to perform the conditions of said bond by any one aggrieved or injured, in the same manner as suits are now, or may hereafter be, authorized to be brought on a constable bond; and said marshal and his sureties shall also be subject to motions against them before said police court, or other tribunals having jurisdiction, for a failure of duty, or to pay over money to the person entitled to receive the same, under the same rules, regulations, and restrictions as motions are authorized to be made against constables; that said judge, so soon as said bond is executed, shall attest and approve the same, and deliver it to the clerk of the board of trustees, who shall file and carefully preserve it in his office, and shall give attested copies, when required so to do by any person, which shall have full force and credit in all courts of this Commonwealth. Said clerk shall receive, for copies thereof, the same fees as clerks of courts for similar services.

1876.

Shall execute bond.

§ 7. That the persons entitled to vote for trustees of said town shall, at the time and place of the election of trustees in 1877, and every four years thereafter, elect a judge of Guthrie City police court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified; and when a vacancy occurs in said office from any cause, it shall be filled by an election, for the remainder of the time, upon ten days' notice being given in three or more public places in said town, of the time and place of said election, by the board of trustees, or any three of them. The judge shall be a conservator of the peace throughout Todd county; his jurisdiction in civil and criminal and penal cases shall be the same as that which now is, or may hereafter be, conferred by law on justices of the peace. He shall have original and exclusive jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power and authority to compel witnesses to attend, and give evidence in causes pending before him, or to give their

Judge of court.

Term of office.

Vacancy—how filled.

1876. depositions, and to enter judgment, and award execution accordingly, and to fine and imprison for contempt: *Provided*, The fine for contempt in no case shall exceed ten dollars, and the imprisonment not longer than five days. He shall have power and authority to take depositions, and certify the same; and his certificate to such depositions shall have the same effect as though made by a justice of the peace or an examiner. He shall be his own clerk, and shall keep a docket of cases in the order in which are tried, showing the various steps taken therein, the judgment, issual, and return of execution; and shall safely keep all papers in every cause tried by him, and make and keep a complete index to his records and execution book, and shall be subject to the same penalties imposed on judges of quarterly courts for violations of duty. He shall be allowed to charge and collect the same fees as justices of the peace now are, or may hereafter be, allowed to collect in like cases for similar services. He shall be entitled to collect his fees in the same way that judges of quarterly courts are now, or may hereafter be, allowed by law to do. He shall hold a court for the trial of civil cases on the third Monday in February, May, August, and November, and continue five days at each term, if the business requires it. Appeals may be taken from the judgment of said court in the same manner, and under like restrictions, as are taken from judgments of justices of the peace and quarterly courts, and to the courts having jurisdiction of them. The judge of said court shall be removable in the same manner, and for the same causes, that judges of quarterly courts are now, or may hereafter be, removable.

Certified copies
of act, &c., shall
be evidence.

§ 8. That certified copies of the official acts, records, and proceedings of said court shall be evidence, and have the same effect as records of justices of the peace or quarterly courts.

Marshal—how
elected.

§ 9. That the persons entitled to vote for trustees of said town shall, at the time and place of the election of trustees in 1877, and every two years thereafter, elect a marshal of Guthrie City police court, who shall hold his office for the term of two years, and until his successor is duly elected and qualified; and if from any cause a vacancy occurs in said office, it shall be filled by the judge of said court, as vacancies in the office of constable are now filled by the judge of county courts. The marshal appointed under this act, and his successors, when elected and qualified, shall be a conservator of

Vacancy—how
filled.

the peace throughout Todd county. He shall have the same power and authority to execute all original, mesne, and final process issued by the judge of said police court or other tribunal or officer, as a constable or sheriff may now or hereafter have. In doing which, he may go to any part of Todd county, and shall be governed in the service and execution of process by the same rules, regulations, and laws that now is or may hereafter govern them in the service and execution of process. It shall be his duty to serve all process and precepts to him directed from the judge of said police court, and make due return thereof; collect all taxes of said town when ordered so to do by the warrant of the board of trustees; collect all executions and other demands which may be placed in his hands to collect, and account for and pay over the same to whomsoever may be entitled to receive it, under the same rules and regulations required of sheriffs in the collection of taxes, and of sheriffs and constables in the collection of executions or other demands. He shall have the same power and authority in the collection of taxes, and be entitled to the same fees for collecting the town tax and levy, that sheriffs have for collecting the State revenue and county levy; and, in all other cases, the same fees allowed sheriffs and constables in similar cases. He shall be vested with all power and authority which is given sheriffs and constables in all cases cognizable before said police court, or other tribunal. He shall have power, if need be, to summon the aid of the county in executing any process to him directed; and any person failing or refusing to aid him when so summoned, may be fined by the judge of said police court in any sum not exceeding ten dollars, or imprisoned not exceeding five days. Said marshal shall have the same power and authority as sheriffs to appoint such assistants or deputies as he may deem necessary in order to fully discharge the duties of his office under this act. Said assistants or deputies shall take the same oaths required of the marshal; and the marshal, and his sureties on his official bond, shall be liable for their acts and doings in like manner as sheriffs are liable for the acts and doings of their deputies.

H's power and duties.

1876.

§ 10. That the marshal appointed by this act, and each successive marshal elected as hereinbefore directed, when he goes out of office shall deliver to his successor such official papers as may need further official action.

1876.

Judges and
clerks of election
—how appointed

§ 11. That all elections authorized by this act shall be held by the board of trustees of said town, or any two of them, who shall preside as judges, and shall have authority to appoint a clerk, to all three of whom an oath shall first be administered by some justice of the peace, police or other judge for Todd county, faithfully and impartially to discharge the duties of judges and clerk of said election according to law.

Power to ad-
minister oath.

§ 12. That any one of said trustees holding said election as judge thereof shall have power and authority to administer an oath to any one offering to vote; and for false swearing or illegal voting the offender shall be subject to the same punishment, and the same penalties, and be proceeded against in the same manner, as are prescribed by the general election laws of this Commonwealth for like offenses.

Certified copy
of result of elec-
tion.

§ 13. That the officers holding elections shall make out and sign a certificate showing the result, and hand the same to the clerk of the board of trustees, who shall immediately record the same, and form part of the records of his office.

Attested copy
to be forwarded
to the Governor.

§ 14. That the clerk of the board of trustees, so soon as he receives the certificate of any election showing the result for judge of the police court, shall forward by mail an attested copy of the same to the Governor of this Commonwealth, who shall thereupon issue a commission to the person thus returned elected as judge of the police court for said town, and forward the same to his address.

Qualifications.

§ 15. That the persons elected to office under this act shall possess the same qualifications as voters.

Penalties, &c.

§ 16. That the board of trustees appointed by this act, and their successors, shall have power to prescribe penalties for the breach of all ordinances and by-laws passed by them in pursuance of the powers herein granted; and whenever the penalties have not been prescribed by this act, said penalties may be in any sum not exceeding one hundred dollars.

§ 17. This act to take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 664.

1876.

AN ACT to incorporate the Fox Creek and Washington County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed and created a body-politic and corporate, by the name and style of the Fox Creek and Washington County Turnpike Company, for the purpose of building a turnpike road from the western terminus of the Lawrenceburg and Fox Creek Turnpike, in Anderson county, to a point on the line of Washington county at or near the residence of Bland Bryant, so as to connect with the turnpike road leading from Springfield, Kentucky, to said Bryant's; that books for the subscription of stock shall be opened in the town of Lawrenceburg, or at the Fox Creek Meeting-house, under the direction of the following persons: R. H. Crossfield, James R. York, Valois Leathers, T. J. McMurry, at such times as the commissioners may direct. The subscribers shall, in the book or books of the commissioners, enter into the following obligations: "We, whose names are hereunto subscribed, do respectfully promise to pay the president and directors of the Fox Creek and Washington County Turnpike Company fifty dollars for each share of stock set opposite our names, at such times as we designate, and pay the same in such proportions and at such times as said president and directors may require after the same becomes due and payable. Witness our hands this —— day of ——, 187 ;" which amounts shall be collectable in the proper courts of the county.

Name and style.

Object of corporation.

Subscription books to be opened.

Obligation.

§ 2. That the county court or judge of Anderson county is authorized to subscribe stock in said turnpike company, in the name of Anderson county, to an amount not exceeding one thousand dollars for each mile in length of said road, and shall be governed in making said subscription, and in levying and collecting the tax to pay the same, by the provisions of "An act authorizing the county of Anderson to take and hold stock in certain roads in said county," approved March 19th, 1854; and the said act, as far as the same is applicable to, and not inconsistent with, this act, is made part hereof.

County court authorized to subscribe stock, &c.

§ 3. That sections two, three, four, five, six, seven, eight, nine, eleven, twelve, thirteen, and fourteen of an act, entitled

Act approved February 24, 1870, enacted as part of this act.

1876. "An act to incorporate the Camdenville, Johnsonville, and Burnt Church Turnpike Company," approved February 24th, 1870, be, and the same are hereby, enacted as part of this act, so far as they are applicable, and not inconsistent with its provisions; and all the rights, privileges, and immunities conferred on the Camdenville, Johnsonville, and Burnt Church Turnpike Company, by provisions of said sections, in authorizing the taxation of land lying on each side of said turnpike, and in all other things applicable to, and not inconsistent with, the provisions of this act, are hereby conferred upon, and made part of, the powers, rights, privileges, and immunities of the corporation created by this act: *Provided*, That in laying off the district of lands to be taxed within one mile on each side of said road, no land lying in any other county than Anderson* shall be included; and if any of the lands lying within one mile on either side of said road shall lie in any other county, the same shall not be taxed; nor shall the owners or occupants thereof be allowed to vote on said tax. And the inequality in the amount raised by said tax on the different sections of said road, on this account, shall be made up and paid in the aggregate by the owners of the lands lying in Anderson county within said district, so as to make it fall equally ad valorem.

Proviso.

§ 4. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 665.

AN ACT to incorporate the Bath County Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and organized, under the name and style of the Bath County Stock, Agricultural, and Mechanical Association.

§ 2. The capital stock of said association shall be five thousand dollars, to be increased or diminished at the pleasure of the company, to be divided into shares of twenty-five dollars each.

§ 3. Books of subscription shall be opened by W. E. Phillips, William I. Atchison, J. H. Phillips, M. P. Collins, and F.

Subscription
books to be
opened.

1876

M. Calvert, at such times as they, or either of them, shall think proper; they, or either of them, shall open a book, and the subscribers therein shall sign an obligation in the following form: We, whose names are hereto subscribed, respectively promise to pay the Bath County Stock, Agricultural, and Mechanical Association the sum of twenty-five dollars for each share of stock set opposite to our names, in such proportions, and at such times, as shall be determined by the president and directors of said company.

Obligation.

§ 4. When the sum of five hundred dollars shall have been subscribed to the capital stock, it shall be the duty of some one of the commissioners named to give notice, in such manner as he may think proper, of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president, vice president, and three directors. One vote shall be allowed for each share of stock; and the officers of this company shall continue in office one year, and until their successors are elected and qualified. The time and place of the election, after the first election, shall be fixed by the president and directors, a majority being competent to transact the business of the corporation.

Officers—when elected.

§ 5. That the shareholders in said association be, and they are hereby created a body-politic and corporate, with perpetual succession; and, under the name and style aforesaid, shall have the right to sue and be sued, plead and be impleaded, defend and be defended, in all of the courts of this Commonwealth; and as such shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding twenty acres, or may acquire the use and occupancy of grounds, and may improve, lease, sell and convey the same, or any part thereof, at pleasure, and may acquire, hold, and dispose of such personal estate as may be deemed necessary and proper for the purposes of said association; may have and use a common seal; ordain and establish a constitution, and such by-laws, rules and regulations, for the government of the same, as may be deemed expedient and proper, and change and alter the same at pleasure: *Provided*, That said constitution, by-laws, rules and regulations, shall not be repugnant to the Constitution and laws of this State or of the United States.

Body-politic and corporate.

Powers.

§ 6. That said association may annually, or oftener if desirable, near the town of Wyoming, hold fairs for the exhibition and sale of the products of the soil, specimens of the mechan-

May hold fairs.

1876. ical arts, of useful and domestic animals, and whatever else serves to represent the labor and industry of the State, and may award premiums as may be necessary and proper: *Provided, however,* That said corporation shall have no power to create any debt or liability over and above the amount of stock subscribed.

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President and directors to control the affairs of the association.

§ 7. That the prudential, fiscal, and other concerns of said association shall be under the control and management of the president and directors, who shall have power to appoint a secretary and treasurer, and such other officers as the association may deem necessary in carrying out the purposes thereof; and from such officers, or any of them, may require bond, with security, payable to the president and directors, and conditioned for the faithful discharge of the duties of their respective offices; and for a breach of such conditions may put such bonds in suit as in case of defaulting public officers. They shall have power to appoint officers of police to keep order and decorum on the grounds of the association; and for any misdemeanor committed by any person or persons contrary to the constitution and by-laws thereof, shall have power, through said officers, to expel from their grounds any such person or persons.

May appoint police.

Vacancy—how filled.

§ 8. The board of directors shall have power to fill such vacancies as may happen during their term of office. A majority of the directors, together with the president, shall constitute a quorum to transact business, unless the association shall require a different number; and in all transactions of the board of directors, the vice president shall have equal votes with the directors.

Sale of spirituous liquors prohibited.
Penalty.

§ 9. That no spirituous liquors shall, directly or indirectly, during the continuance of a fair of said association, be sold upon the grounds occupied for such fair, under the penalty of twenty-five dollars for each and every such offense, to be recovered, together with costs, by warrant before any justice of the peace, police judge, or county judge of Bath county.

§ 10. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 666.

1876.

AN ACT to reduce into one and amend the act, and amendatory acts, incorporating the city of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the county of Boyd as is embraced within the following boundary, viz: Beginning at the Ohio river, at low-water mark, in the line dividing the land of the Kentucky Iron, Coal, and Manufacturing Company, and the land of S. and E. Ward; thence with said line southerly to the top of the hill; thence southeasterly with a line parallel to the course of Winchester street to the lands owned by Peter Smith; thence with the line of his lands, so as to include the same, to the intersection of the lower line of Fourth street; extending thence with said Fourth street, extending southeasterly with said road, on the south side thereof, to its intersection of the line of Broadway street; extending thence with said line of Broadway street extended northeasterly to the lot of Mrs. Orra Bagby; thence southeasterly a line parallel to the course of Winchester street to the intersection of the Old Clinton Furnace road; extending thence northeasterly with the upper line of said road to the Ohio river; thence across said Ohio river to the north side thereof at low-water mark; thence down said river at low-water mark to a point opposite the point of commencement in the above boundary; thence in a straight line across said river to the beginning; and the persons residing within said boundaries are hereby created a body-politic and corporate, by the name and style of the City of Ashland; and by that name may have perpetual succession; sue and be sued, in all courts of law or equity; may make contracts, and purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may sell and convey the same.

§ 2. Said city is hereby divided into two wards, separated by Broadway street, and so much as lies on the upper side of said street shall constitute the first ward, and that lying on the lower side of said street shall constitute the second ward.

§ 3. The officers of the city of Ashland shall be a mayor, three councilmen for each ward, an assessor, marshal, collector, treasurer, clerk, city attorney, and street commissioner.

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How and when
elected.

§ 4. The officers mentioned in the preceding section, except the treasurer, shall be elected by the qualified voters of the city.

Term of office.

Shall take oath.

Illegal voting—
how punished.Election to be
advertised.Mayor—who
eligible.

§ 5. The mayor, councilmen, and other officers, whose election is herein provided for by the qualified voters of said city, shall be elected on the first Monday in April next, and the first election for said officers shall be held at the office of the police judge of the town of Ashland, and the polls for all elections under this act shall be kept open from seven o'clock, A. M., until five o'clock, P. M.; and all officers elected under the provisions of this act shall hold their offices for two years; but no one shall attempt to discharge the duties of his office until he shall have taken an oath faithfully to perform all the duties pertaining to his office. After the first election as herein provided for, it shall be the duty of the council to establish a voting place in each ward of the city, and the resident voters shall vote in their respective wards; and any person who shall attempt to vote twice at any election held under the provisions of this act, or who shall vote outside of the ward in which he is a resident, shall, upon conviction, be fined in not less than five hundred nor more than one thousand dollars, or confined in the city jail not less than six nor more than twelve months, or he may be both fined and imprisoned as the jury may determine. The mayor's court established by this act shall have jurisdiction to try offenders for a violation of this section. One week's notice of the first election, as herein provided for, shall be given by publication thereof in the Ashland Journal, and all subsequent elections for officers of said city shall take place on the first Saturday of April every two years from the first election.

§ 6. No person shall be eligible to the office of mayor who has not resided two years within the city limits, and who is not twenty five years old; nor shall any person be eligible to any other office who has not resided one year within the city limits; and in all cases the officer must be a qualified voter under the Constitution and laws of Kentucky.

§ 7. No officer shall be eligible for re-election or re-appointment who has not, before election or appointment, received from the proper authority a discharge, in writing, for any money which may have come to his hands belonging to the city, and for which he is accountable to the city.

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§ 8. Every male citizen over twenty-one years of age who is sane, and not a pauper, who shall be a legal voter under the Constitution and laws of this State, and has resided sixty days next preceding the day of election in the city, and have either paid their poll-tax to said city for the year next preceding the election at which they claim to vote, or have arrived at the age of twenty-one years since the last assessment of tax, shall be deemed a qualified voter for city officers.

Who legal voters.

§ 9. It shall be the duty of the mayor to preside at all meetings of the council, but he shall not vote unless there is a tie; he shall be a conservator of the peace, may arrest offenders against the penal laws of the city and of the Commonwealth on view, and summon the *posse comitatus* to aid him; he shall exercise a strict supervisory control over the affairs of the city, see that the city ordinances are enforced, and that each officer discharges his duty properly, and to cause such officer as may be derelict in the discharge of his duties to be impeached; he shall take the necessary steps to suppress riots, insurrections, disorderly meetings; and he shall perform all such duties, and exercise such powers, as, from time to time, may be confided to him by the by-laws of the city, or which may otherwise pertain to the office of mayor.

Mayor to preside at meetings of council.

His powers.

§ 10. The three councilmen from each ward, together with the mayor, shall constitute the common council.

How council composed.

§ 11. The council shall meet on the Saturday night of each week, or on such other night as the council shall determine; and a majority of the councilmen shall constitute a quorum for the transaction of business.

When to meet.

§ 12. In the absence of the mayor, the council shall elect one of their own body to fill his place during the meeting.

Pro tem. mayor.

§ 13. The common council shall have the power to assess and collect, annually, against each male inhabitant liable to taxation under the laws of the State of Kentucky, a capitation tax not exceeding one dollar and fifty cents per head, and upon all property, real and personal and mixed, including merchandise, except such as is exempt by the State laws from taxation, such ad valorem tax as they shall, from time to time, deem expedient: *Provided*, That such assessment shall not exceed the sum of one dollar on the one hundred dollars' worth of taxable property.

Council may impose and collect tax.

Proviso.

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Assessment list
to be made out.

§ 14. The council shall cause to be made out, on the first Monday in February of each year, a copy of the assessment roll of the preceding year, and which shall be handed to the assessor, together with a precept commanding him in the name of the city to make and return to the common council, on or before the second Monday in May thereafter, a list of all persons liable to poll-tax as aforesaid, and of all lands and tenements, goods and chattels, liable to be taxed as aforesaid, with the name of the owner thereof, and a just valuation and a certain description of said property. The assessor shall execute and return the said precept according to the command thereof, and every such assessment shall be taken as if made on the first Monday in March of each year, except goods, wares, and merchandise, which shall be taken as if made on the first Monday of May in each year, from which times the taxes of the current year shall be a lien upon the property assessed, and a charge against the owner thereof until the taxes shall be paid.

Taxes a lien on
property.Compensation
of councilmen.

§ 15. The city council may allow the members of any future council for their services a sum not exceeding one dollar and fifty cents for each session of the council attended by them; and if such allowance is made, the mayor may be authorized to fine each member for non-attendance of each session a sum not less than two dollars and fifty cents.

Council may
improve streets,
&c.

§ 16. The common council shall have power to cause and procure all or any of the streets and alleys in the city now established, or which hereafter may be established, to be graded, paved, or macadamized with rock or gravel, or both, or any other substance, as the council may adopt, at the cost and expense of lot-owners fronting such streets or alleys; and when the work is done, they shall apportion the cost according to the value of the property, as fixed at the last assessment before the work was done, and expense thereof, on the lot-holders; and a lien is hereby given on the lots and parts of lots for the security of the payment of the same, which costs and expenses may be listed and collected by the city collector as other taxes; and the collector shall have authority to sell and convey the lots and parts of lots for the same under the by-laws and ordinances of the common council: *Provided*, That the owner of any lot or lots thus sold for grading, graveling or macadamizing, shall have five years

after the date of the deed of conveyance to redeem the same on paying the purchase money, and ten per centum interest per annum, and also all taxes and levies that may subsequently accrue: *And provided*, That infants shall have two years after arriving at full age on like terms: *And provided*, That the said council shall apportion the cost as aforesaid, and expense thereof, pro rata among the lot-owners, according to the value of their respective lots, or fractions of lots; or may, in their discretion, so apportion a part of the cost and expense of such improvement upon the property fronting thereon, and pay the balance out of the general revenue of the city.

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§ 17. That the common council shall have the power to cause the sidewalks to be curbed and paved with stone or brick, or in any other manner deemed advisable, and to apportion the costs and expenses thereof to the owners of lots fronting thereon; and a lien is given on the lots for the same; and such costs and expenses may be listed and collected in like manner as that of graveling and macadamizing the streets; and the collector shall have like authority to sell and convey the same as is provided for in the next preceding section; and such lots or parts of lots shall be subject to redemption in the same way.

§ 18. The owners of lots fronting on streets which the common council may require to be paved or graveled or macadamized, and the sidewalks curbed and paved, shall have the right to make the same at their own cost and expense; but in all cases to be done in accordance with the ordinance of the common council as to the manner and time in which the work is to be done.

§ 19. The common council may in like manner cause the sidewalks and streets to be repaired or repaved, at the cost of the owners holding lots fronting thereon, and with the same power to compel the payment of the cost and expense thereof, and with the same lien on the lots, and with the same power to cause said lot or lots to be sold and conveyed to the purchasers thereof, and with like privileges of redemption to the owners of the same.

May improve sidewalks.

§ 20. In all cases of public nuisances, of whatever kind, the common council, after reasonable notice to the guilty party, may cause the same to be abated, and may sue such guilty

May abate nuisances, &c.

1876. party in any court of competent jurisdiction, and recover full compensation for expenses of such abatement, and for the expenses of such suit.

Power to establish board of health.

May establish fire companies.

May regulate lighting of streets, &c.

§ 21. The mayor and council shall also have power and authority to establish a board of health for the city, and invest it with such powers, impose upon it such duties, and prescribe for it such regulations as shall best secure the city from contagious and infectious diseases, and make all other provisions, and do all other things necessary to the public health; to provide for the maintenance of the paupers of the city; establish and organize fire companies, and make all proper regulations for their government, and for that purpose to make such abatement of the poll and other taxes of the firemen, who shall be exempt from serving on any jury; to compel the citizens to provide themselves with fire-buckets, and assist in the extinguishment of fires; to regulate the sweeping and burning out of chimneys, the storage of gunpowder and other combustible and dangerous articles; and to take all other usual and proper measures for preventing or extinguishing fires; to sink wells and cisterns, and supply the city with wholesome water; to provide for lighting the streets of the city; to establish a city watch, with power in the watchman to arrest all persons found within the city violating any of the criminal laws of the State, or the penal ordinances of the city, and take them before the mayor or a magistrate for examination; to abate and prevent the erection of all nuisances; define and declare what shall be a nuisance; and prevent by fine the exercise of all noxious and offensive trade within the city; to establish markets and market-places, and to regulate the buying and selling of articles usually sold in market; to appoint measurers, weighers, gaugers, and inspectors for ascertaining the quality and quantity of flour, meal, beef, pork, and other provisions, coal, lumber, hay, and other articles for market, and the accuracy of weights and measures, and fix the fees for such officers; to license and regulate porters, carts, wagons, drays, hacks, and other vehicles plying in the city for hire, fix the prices therefor, and prohibit those not licensed; to license auctioneers, and regulate auctions, except in case of auctions authorized by the general laws of the State; to prohibit hogs from running at large in the city; to assess an annual tax on the owners within the city of billiard-tables and liquor saloons, bowling alleys, and all other games author-

ized by law; and to suppress gaming-houses and houses of ill-fame, and punish the persons who shall keep them; and to preserve good order and the public peace by preventing intoxication, immorality, lewdness, idleness, vagrancy, quarreling, fighting, rioting, and other disorderly conduct within the city, and punish those guilty of such conduct therein; and the mayor and council are authorized to make all by-laws, ordinances, and regulations necessary and proper to carry out the foregoing and all other powers granted by this act into full effect, and to enforce the same by penalties not exceeding fifty dollars, to be recovered in the mayor's court. 1876.

§ 22. On the second Monday in May, or as soon thereafter as practicable, the mayor and council shall determine the amount of the poll and the rate of the ad valorem taxes for the year; and the clerk thereupon shall make out and deliver to the collector, as soon as practicable, a list, in alphabetical order, of the persons named in the assessment roll, and the amount of taxes of the current year, and the delinquent taxes of the two preceding years charged against each, specifying whether the tax is a poll or property tax; and, if the latter, concisely describing the property, with a precept, under the seal of the city, commanding the collector, in the name of the city, to collect the taxes charged in said list, by demanding payment of the persons therein charged, or by distress and sale of their respective goods and chattels, or of the lands, tenements, or hereditaments described in said list, and to return said precept and list to the mayor and council, and pay over the money so collected to the treasurer on or before the first Monday of January thereafter, or as often as directed, or at any other time as, by ordinance, the council may direct. Must prepare tax list, &c. Must return list.

§ 23 The collector shall execute and return said precept according to the command thereof, and he shall specify in his return what taxes have been collected by distress and sale, the property sold, the price for which it was sold, and the name of the purchasers, and what taxes remain unpaid, and the cause of their non-payment; and he shall make oath that his return is just and true, which oath shall be annexed to his return. The collector shall also report to the mayor and council all omissions and other errors in the assessment and tax-rolls which shall have come to his knowledge, and the mayor and council shall, at all times, have power to correct Must make a specified return. Council may correct errors.

1876. any assessment or tax-roll by adding to or subtracting from as to them shall seem right, and to refund any moneys, and to make any other just restitution for taxes wrongfully collected.

Delinquent tax-payers to be advertised.

Time of extension of payment.

§ 24. The collector, upon receipt of the tax-book, shall advertise in one or more newspapers of the city, calling upon the tax-payers to meet him at his office to pay their taxes; and if any tax shall remain unpaid on the first Monday in December, he may collect the same by distress and sale, at auction, of the goods and chattels of the person charged therewith, and found in the city, returning the overplus, if any, to the owner, first giving ten days' notice of such sale in one or more newspapers published in the city.

Treasurer and collector to execute bond.

Council may increase amount of bond.

§ 25. The treasurer and collector shall, before entering upon the discharge of their respective duties, each execute a bond in such penalty as the mayor and council may direct, with good and sufficient security, conditioned for their honest and faithful discharge of official duty, their bonds to be approved by the council, who shall cause the same to be filed in the city records, and true copies of which shall be spread of record; and if at any time it shall be deemed proper, the council may require additional security of one or both of the above named officers, and increase the amount of either or both of their said bonds.

How officers may be impeached.

§ 26. The mayor and council shall be authorized to establish rules to enforce a faithful and honest discharge of the official functions of all the officers of the city, and to inflict a penalty for their non-observance; to remove from office the mayor or any member of the council, or other city officer; but in all cases of impeachment, the party accused shall be notified of the charge or allegations against him, at least ten days previous to the day of trial; and they shall also be placed of record in the proceedings of the council.

Moneys to be deposited in the city treasury.

§ 27. All moneys of the city raised, collected, or received by means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury, and shall not be drawn therefrom except by authority of the mayor and council, upon an order signed by the mayor, and countersigned by the clerk. The mayor and council shall cause all demands in favor of or against the city to be adjusted and paid as speedily as possible; and shall require all officers and agents intrusted with the keeping or

expenditures of moneys of the city to account for and dispose of the same, at such short intervals, and in such manner, as they may direct; and they shall cause annually to be published, in one or more newspapers of the city, a full and concise statement of the receipts and expenditures of the city. They shall also, at the close of each fiscal year, cause to be published a true delinquent list, giving the name of each delinquent tax-payer, with the amount of his or her delinquency, to be published in like manner.

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How accounts
against city to be
paid.

§ 28. That all fines and forfeitures incurred and imposed by the mayor of the city of Ashland shall be paid into the city treasury for the use of the city, and shall be applied by the mayor and council exclusively to city purposes.

§ 29. The mayor, or a majority of the council, may call special meetings of the mayor and council, whenever they shall judge it expedient, by giving notice to the other councilmen who shall at the time be in the city. The mayor, and in his absence the president *pro tempore* of the council, shall sign the records of their proceedings; and a copy of the record so signed, certified by the clerk, shall be competent evidence in any court of this State. No by-laws or ordinances of a penal nature shall be passed by the mayor and council without being publicly read twice at different meetings, and the vote upon the passage thereof shall be by ayes and noes, and entered on the record; but no such by-laws or ordinances shall be in force until a copy thereof, certified by the clerk, shall have been published in two successive issues of one or more newspapers of the city.

Special meetings
—how called.

§ 30. The council shall have power to establish wharves, and a general system of wharfage in said city; to pass ordinances regulating said wharves, and defining and prescribing the duties and powers of wharfmasters, and the mode of collecting wharfage, the rates of which they are hereby authorized to establish, and, from time to time, to regulate and adjust. The council shall have full power and authority to pass all ordinances regulating the manner in which boats and rafts shall lay at said wharves, and to prevent steam and other boats and water crafts from obstructing the passage and channel of the Ohio river, by anchoring or lying out in the stream so as to prevent a free and open passage of all boats, crafts, and rafts, and to impose adequate penalties for infraction of such ordinances.

Council may es-
tablish wharves,
&c.

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Council may
prevent the erec-
tion of insecure
buildings.

§ 31. The council shall have power, with the concurrence of three fourths thereof, to prevent the erection of buildings of wood, and to regulate the height of such buildings in any part of the city, if they shall be of opinion that danger would ensue by the construction of such buildings to valuable and permanent improvements; and they may pass ordinances to enforce the power given by this section, with suitable penalties.

Wharfmaster—
his duties.

§ 32. The council shall have the power to appoint a wharfmaster, whose duty it shall be to enforce all ordinances and regulations relating to the wharves and landing places within the city, and generally to perform all such duties, not inconsistent therewith, as the council may direct; and for his services, he shall receive a compensation to be fixed and regulated by the council. Said wharfmaster shall hold his office during such time as the council shall ordain.

City physician
—how appointed.

§ 33. The council shall have power to appoint a city physician to attend upon the poor of the city, who shall receive such reasonable compensation for his services as the council may ordain.

Inspectors, &c.,
to give bond.

§ 34. Before any inspector, weigher, gauger, or measurer, who may be appointed as authorized by this act, shall enter upon the duties of his office, he shall execute bond, with approved security, to mayor and council of the city of Ashland, in such form and amount as the council shall require, which bond shall be filed with the city clerk, and spread upon the records of the council; and the council may provide adequate penalties to enforce the due performance of the duties devolved upon such inspector, weigher, gauger, and measurer.

Compensation.

The fees of said officers shall be regulated by the council.

Council may
tax dogs.

§ 35. The council shall have the power to tax dogs in any sum not exceeding five dollars on each dog or slut, and which shall be collected as other taxes due the city.

May tax shows,
&c.

§ 36. The council shall have the exclusive power to tax and license all shows, exhibitions, theatrical performances, lectures, concerts, and all places of public amusement where money is charged for admission to the same, such sum as the council may deem proper: *Provided*, That lectures of resident professors shall not be taxed: *And provided further*, That any exhibition, performance, or lecture, for benevolent or charitable purposes, shall not be taxed. No county levy shall be collected of the inhabitants of said city; and persons who shall

Proviso.

have served on the grand jury in the mayor's court, as is herein provided, shall be exempt from serving on the grand jury of the Boyd circuit court for the year in which such services on the city grand jury were rendered.

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§ 37. The mayor of said city shall hold a court therein in such place as the council shall provide, which shall be styled the "Mayor's Court of Ashland," and the same is hereby declared a court of record, and shall be provided with and have a seal; and copies or transcripts from the records of the proceedings of said court, signed and sealed by the mayor, shall be evidence in all courts in this State.

Mayor may hold court.

§ 38. The said court shall have exclusive original jurisdiction of all causes arising from violations and breaches of the ordinances and laws of the city; and concurrent jurisdiction with the circuit court in all criminal cases accruing in said city, and within one mile and adjacent to the corporate limits of said city, except felonies; and in civil cases, where the amount in controversy shall not exceed two hundred dollars; and the same jurisdiction as justices of the peace; and the power and authority of two justices of the peace in holding examining courts, inquiring into charges of felony, and committing and recognizing offenders under said charges, and in granting and hearing and receiving return of writs of injunction, *ne exeat*, attachments, and *habeas corpus*. Said court shall have jurisdiction in cases of lunacy, idiocy, and vagrancy, and may bind out orphan children, and hear and redress their complaints, as also the children of such persons as are disqualified from their circumstances and habits of life to train them up in a proper manner.

Jurisdiction of mayor's court.

§ 39. Said court may award all such process, original, mesne, and final, as may be deemed necessary and proper, in the due and efficient administration of justice in said jurisdiction. All original process shall be directed to and executed by the city marshal; and mesne and final process may be issued and directed to said marshal, or any sheriff or constable in any part of this Commonwealth without the corporation; which officers shall receive and execute said writs, and make returns, under the same rules and liabilities as they are required to do of like process from the circuit and justices' courts.

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§ 40. The said court shall have exclusive original jurisdiction in all cases where the city council shall proceed to condemn lands or materials for the opening, extending streets, lanes, alleys, commons, wharves, landings, market squares, &c., and shall have power and authority to award the writ of *ad quod damnum*, and adjudicate upon the same.

Petition for *ad quod damnum*.

How filed.

§ 41. Whenever the city council shall intend and determine to condemn land and materials for the purposes aforesaid, they shall direct a petition, in the name of the city, to be filed in said court, setting forth a particular description of the land or materials to be condemned, for what purpose, and the name of the owner or owners thereof; and upon the filing of which, the court shall award the summons to the proprietor, if living in the city or county, and if in the county, to the sheriff; and when the proprietor shall not live in the county or city, then notice to his or her agent shall be given, if he have one known to the authorities as such; or an order of warning shall be entered up by said court against him or them, and a copy of which shall be advertised for at least two weeks in some newspaper printed in the city; and upon the process being executed, or order of warning published as aforesaid, which shall be certified by the editor of the paper in which it shall have been inserted, the court shall, if any owner of the land or materials require it, award a writ of *ad quod damnum*, directed to the city marshal, who shall summon twelve lawful jurors of the Commonwealth to appear before said court on the day fixed in the writ; at which time also the owners requiring it shall proceed to prove, by competent testimony, the damages which he or they will sustain by the condemnation prayed for; and the jury shall assess the amount which they shall deem right, taking into consideration the advantages and disadvantages which the owners may derive from the condemning of his lands or materials; and the court shall enter judgment against the city therefor, unless the city shall give notice to the court in thirty days that the opening of the street or claim for materials is abandoned; in which case judgment shall only be rendered against the city for costs. The parties shall have the right of challenge as in civil cases, and the panel shall be filled from bystanders. The court shall rule all questions of law arising upon the trial; may grant a continuance to a particular day, from time to time, upon good cause shown, and may award a

new trial; and should the city or owner be dissatisfied with the verdict-and judgment, an appeal may be taken to the circuit court, where it shall be tried *de novo*, from whence the cause may be taken to the Court of Appeals, as other civil causes are taken.

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§ 42. For the trial of civil causes, the said court shall be held quarterly, the terms thereof commencing respectively on the first Monday of March, June, September, and December; and the court may set the causes for any particular day, and continue the term from day to day till the business shall have been disposed of; and the process shall be returned upon the first day of the term to which it is returnable; and for the trial of penal causes, and for infractions of the ordinances of the city, the court shall be open at all time, and shall cause to be summoned at least semi-annually a grand jury, who shall inquire into and present or report bills of indictment upon all matters which shall come to their knowledge of which said court has jurisdiction, and is the proper subject-matter of presentment or indictment; and the court shall dispose thereof in the same manner as the circuit court.

Terms of court
—when held.

§ 43. Fines for disturbing religious worship, riots, routs, and unlawful assemblies may be assessed by a jury in said court to one hundred dollars, or by consent entered of record, the cause may be submitted to the court, who shall proceed to hear and try the cause, and render judgment according to the facts of the case; and all fines assessed in said court, or by any justice of the peace in said city, shall be for the use of the said city; and also all forfeitures and penalties recovered on recognizances and penal bonds taken in the mayor's court.

Fines—how assessed.

§ 44. Appeals from the mayor's court to the circuit court shall be allowed in all cases where the amount in controversy exceeds ten dollars.

Appeal may be taken.

§ 45. The mayor shall receive an annual salary of one hundred dollars, payable quarterly out of the city treasury, and such fees as are allowed to justices of the peace, where he performs the duties of a justice of the peace, and in other cases the same as clerks of the circuit or county courts, in accordance with the duties performed, and such as the council may provide. He shall have the same power to issue fee-bills as clerks of courts for services rendered.

Mayor's salary.

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§ 46. The mayor of said city shall have the same power and authority to take the acknowledgments of deeds and powers of attorney, and to take the acknowledgment of *femes covert*, and certify the same to the clerks of the several county courts within this Commonwealth; and his certificate shall authorize the recording thereof in like manner; and he shall have, and be entitled to receive, a fee of fifty cents for each certificate so made. He shall also have power and authority to examine witnesses under dedimuses from any courts, whether of this or any of the United States or foreign countries, and shall be entitled to receive a fee of one dollar for each witness examined; and in all cases where he shall affix the seal of the corporation to any document by request, he shall be entitled to receive the sum of fifty cents. He shall also have power and authority to take depositions in said city in all other cases where examiners or justices of the peace are authorized to take the same, and for his services therefor shall be allowed the same fees as are now allowed examiners for similar services; but he shall in no case demand or have any fee for any service rendered said city, except the annual salary herein provided for. Said mayor shall have the power to take recognizances for appearance in said court, on any day named therein, in all cases cognizable in said court; also all recognizances in cases of felony, which shall be for appearance in the circuit court; and he shall also have power to take recognizances to keep the peace and be of good behavior for one year. Forfeitures for any recognizance for appearance in said court may be enforced in said court, and the penalty collected in the same manner as in circuit courts.

Marshal to be
chief of police.

§ 47. The city marshal shall be the chief of police, and there shall be in said city such policemen and watchmen as the council may from time to time ordain. It shall be the duty of the chief of police and his assistants, and of said policemen and watchmen, under the direction of the mayor, and in conformity with the ordinances of said city, to suppress all riots, routs, and unlawful assemblies, disturbance and breaches of the peace. It shall be their duty, and they shall have the power, to apprehend all felons, common gamblers, rioters, breakers or disturbers of the peace, night-walkers, vagrants, persons of evil fame, and of disorderly

His duty.

and riotous conduct; and all such persons may be apprehended without warrant by the said police officer, or any of them, and may be taken, with such evidence as they may possess, before the mayor or some justice of the peace, to be dealt with according to law; and if such apprehension shall be in the night, then to the watch-house for safe-keeping until morning. Said officers shall also have the power and perform the duties of patrolmen. They shall have authority to pursue and arrest, with proper warrant, any person or persons fleeing from justice, in any part of the State of Kentucky; to apprehend without warrant any and all persons in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith to bring such persons before the proper authority for examination; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations, for the preservation of the peace, good order, and welfare of the city, as the city council may ordain, and for such purpose they shall have all the power of constables; and they shall be paid for their services such compensation as the council shall, from time to time, ordain.

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§ 48. For compensation for his services, the city attorney shall be paid an annual salary of one hundred dollars, to be assessed by the council, and in addition thereto, he shall receive thirty per centum of all fines recovered in the mayor's court; or courts of justices of peace in said city, and also thirty per centum of all recognizances forfeited in the mayor's court; but in no case shall the city be responsible to said attorney for the per centum allowed him herein upon failure to collect said fines. Said attorney shall attend to all suits and prosecutions in which the city is plaintiff or defendant, but he shall receive no other allowance for services than is herein provided. He shall not be interested, directly or indirectly, in any contract with the city; and in the event of said attorney becoming thus interested, he shall forthwith be removed from office, and the contract shall be held and considered void.

City attorney—
his salary.

How paid.

§ 49. The city treasurer shall be appointed by the common council, and shall hold his office for the term of two years, or until the next regular election of mayor and councilmen. He shall have charge of the treasury and fiscal concerns of the city. It shall be his duty to receive all moneys of the city,

City treasurer.

Term of office.

His duties.

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but he shall not pay out or expend the same in anywise, except upon order of the council, which order shall specify for what purpose it is to be paid. He shall at all times have and keep a regular and correct account of all receipts and expenditures of the treasury as the council may direct, which accounts shall always be open to the inspection and examination of the council or its proper committee, and shall report the amount of money in the treasury to the council at the first meeting in each month; and he shall exhibit to the council once a year, and at such time as the council may direct, a full statement of the receipts and expenditures of the city since his last annual report, and of the state and condition, for the time being, of the treasury and financial concerns of the city. He shall perform all such other duties appertaining to his office as the council may ordain, and for his services shall receive such compensation or salary as may be provided for by ordinance. He may be removed from office for good cause by a vote of two thirds of the whole number of the council; and the council shall have power to supply the vacancy occasioned by his removal from office, death, resignation, absence from the State, or other cause. He shall execute bond, with approved security, for the faithful performance of his duty as treasurer; which bond shall be filed with the city clerk, and also spread upon the records of the council.

Street commissioner—his duties

§ 50. The street commissioner shall be subject to the direction of the council. It shall be his duty to see that the ordinances of the city are enforced. He shall attend to the cleaning of the streets, and generally to perform all such duties and exercise all such powers, as the council may ordain, and for his services shall receive a compensation to be fixed and regulated by the council. He shall not be interested in any contract with the city, and for becoming interested in such contract, he shall be removed from office by the council and the contract declared void. He shall execute bond, with approved security, for the performance of his duties; which bond shall be filed with the clerk, and also spread on the minutes of the council.

City clerk—his duties.

§ 51. The city clerk shall keep a true and perfect record of the proceedings of the council. He shall attend all of the meetings thereof, and shall do and perform all the duties

required of him by the council, and which properly pertain to his office. He shall be allowed such compensation for his services as the council may ordain.

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§ 52. It shall be the duty of the common council of said city to procure a suitable and safe building for a city court-house, jail, work-house, and poor-house, or either of them; and for that purpose may levy an annual tax upon the inhabitants of said city, not exceeding twenty-five cents on each hundred dollars' worth of property, real, personal, and mixed, within said city, and which is usually taxed for revenue purposes, which tax the council shall apply solely to the purposes mentioned in this section; and said tax shall not be levied after the proceeds thereof, from year to year, shall have amounted to ten thousand dollars.

Council may
levy tax for build-
ing court-house,
&c.

§ 53. That in all cases where persons are convicted before the mayor, or any justice of the peace in said city, of any offense, where a fine shall be imposed and not paid, the offender shall be confined in the city jail and work-house, and made to perform such work in the jail or work-house, or on the streets of the city, as the council shall by ordinance prescribe, until the fine and costs shall be discharged at the rate of fifty cents per day.

Offenders to
work out city fine
if unpaid.

§ 54. The council shall have the power to appoint three overseers of the poor of the city; and said overseers shall, at their discretion, place all poor persons of the city who are unable to maintain and support themselves in the poor-house; but the whole establishment for the benefit of the poor shall be under the immediate care and control of, and subject to frequent visitations by, the council; and before any person is admitted as an inmate of the poor-house, said overseers shall first be satisfied that such poor person has not come to the city for the purpose of becoming a charge on the city; and the council shall have the power to make such appropriations out of the treasury of the city as may be needful to defray the expenses of the establishment.

Overseers of
the poor—their
duties.

§ 55. It shall be unlawful for any person or persons, by agent or otherwise, without first having obtained from the proper authority having power to grant the license, a license therefor to sell in any quantity intoxicating, spirituous, vinous, or malt liquors, to be drank in, upon, or about the building or premises where sold, or to sell such intoxicating liquors to be drank in any adjoining room, building, or premises, or

Liquor not to be
sold on premises.

1876

Proviso.

other place of public resort connected with said building: *Provided*, That no person shall be granted a license to sell any intoxicating, spirituous, vinous, or malt liquors, without first giving bond, with good security, to the mayor and council of the city of Ashland, in the penal sum of not less than one thousand dollars, with at least two good securities, who shall be freeholders and residents of the county, conditioned that they will pay all damages to any person or persons which may be inflicted upon them, either in person or property or means of support, by reason of the person so obtaining a license selling or giving away intoxicating, spirituous, vinous, or malt liquors; and such bond may be sued and recovered upon for the use of any person or persons, or their legal representatives, who may be injured by reason of the selling or giving of intoxicating, spirituous, vinous, or malt liquors, by the person or his agent so obtaining the license.

Liquor not to
be sold behind
screens.

§ 56. It shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating, spirituous, vinous, or malt liquors behind screens, frosted windows, or any other device designed or intended to protect the seller or buyer from public observation.

§ 57. It shall be unlawful for any person or persons, by agent or otherwise, to sell or give intoxicating, spirituous, vinous, or malt liquors to minors, unless upon written order of their parents or guardians, or to persons intoxicated, or to persons who are in the habit of getting intoxicated.

Penalty for vi-
olation.

§ 58. All places where intoxicating liquors are sold in violation of this act shall be held and declared to be common nuisances, and rooms, taverns, eating-houses, restaurants, drug stores, groceries, coffee-houses, cellars, or other places of public resort, wherein intoxicating, spirituous, or vinous liquors are sold in violation of this act, shall be shut up and abated as public nuisances, upon conviction of the keeper thereof, and shall be punished as herein provided.

Penalty for caus-
ing intoxication.

§ 59. Every person who shall, by the sale of intoxicating liquors, with or without license, cause the intoxication of any other person at his place of selling liquors within the limits of the city, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and one dollar per day in addition thereto for every day such intoxicated person shall

be kept in consequence of such intoxication, which sums may be recovered in an action of debt in the mayor's court or a justice of the peace in said city. 1876.

§ 60. Every husband, wife, child, parent, guardian, employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her name, severally or jointly, against any person who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons, and in which action exemplary damages may be awarded; and married women shall have the same right to bring suits, and to control the same and the amount recovered, as a *feme sole*; and all damages recovered by a minor under this act shall be paid either to such minor or his or her parent, guardian, or next friend, as the court shall direct; and the unlawful sale or giving away of intoxicating liquors shall work a forfeiture of all rights of the lessee or tenant under any lease or contract of rent upon the premises where such unlawful sale or giving away shall take place; and all suits for damages under this charter may be by appropriate action in the mayor's court of the city of Ashland, and in such cases the jurisdiction of said mayor's court shall be unlimited as to the amount sued for or recovered.

§ 61. For every violation of the provisions of the fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty seventh, and fifty-eighth sections of this act of incorporation, every person so offending shall forfeit and pay a fine of not less than fifty dollars nor more than one hundred dollars, and be imprisoned in the city jail not less than ten nor more than thirty days, and pay the costs of the prosecution; and such place or places so kept by such person or persons so convicted shall be shut up and abated upon the order of the mayor before whom such conviction may be had, until such time as such person or persons keeping such places shall give bond and security, to be approved by the mayor, in the penal sum of one thousand dollars, payable to the mayor and council of the city of Ashland, conditioned that he, she, or they will not sell intoxicating liquors contrary to the provisions of this act of incorporation, and will pay all fines, costs, and damages assessed against such keeper or keepers for any violation

1876. thereof; and in case of forfeiture of such bond, suit may be brought thereon for the use of any person interested, or for the use of the city in case of fine or costs due said city.

§ 62. The giving away of intoxicating liquors, or other shift or device, to evade the provisions of this act of incorporation, shall be deemed and held to be an unlawful selling within the provisions of this act.

§ 63. Until the election of officers as provided for in this act, those now in office shall continue to exercise the duties of their position until their successors, as provided for herein, are elected and qualified.

§ 64. This act to take effect from and after the first day of April, 1876.

Approved March 11, 1876.

CHAPTER 667.

AN ACT for the benefit of T. A. McGill, late sheriff of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is, authorized to draw his warrant upon the Treasurer for the sum of three hundred and thirty-seven and twenty-six one hundreths dollars, in favor of T. A. McGill, late sheriff of Breckinridge county, it being the amount of five per cent. on the revenue of said county for the year of 1871, which has been paid by said sheriff into the Treasury: *Provided*, That before said warrant is drawn, said sheriff or his deputy, J. R. DeHaven, shall file his written affidavit in the office of the Auditor of Public Accounts to the effect that said amount, or no part thereof, has been collected by said McGill, or by any one for him.

§ 2. This act to take effect and be in force from its passage.

Approved March 11, 1876.

CHAPTER 668.

AN ACT for the benefit of John N. Howard, late sheriff of Harlan county.

WHEREAS, Judgment was rendered in the Franklin circuit court against John N. Howard, sheriff of Harlan county for the year 1872, for the sum of \$1,557 and \$311 40 damages;

and whereas, by an act of the Legislature approved February 12th, 1874, as appears from the Acts of 1873-'4, page 302, it was provided that should the said John N. Howard pay into the Treasury the sum of \$1,557 within ninety days thereafter, he was to be released from the payment of the \$311 40 damages; and whereas, the said John N. Howard did send on to the Treasury the sum of \$1,557 before the expiration of the ninety days, but through neglect of the trustee of the jury fund, in failing to send receipt for same, the order was sent back for correction, and before it could be sent the second time the ninety days had expired, and the said Howard was charged with the \$311 40 damages; now, therefore,

1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John N. Howard, late sheriff of Harlan county, be, and he is hereby, released from the payment of the said damages of \$311 40.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 669.

AN ACT to prevent the destruction by cattle or other stock of willows and small trees growing and being planted on the banks of the Ohio river in Trimble and Oldham counties, and part of Carroll county.

WHEREAS, It has been made to appear that the valuable lands bordering on the Ohio river in the counties of Trimble and Oldham, and that portion of Carroll county below the mouth of Kentucky river, are being constantly undermined and the banks falling in on account of the sudden rises in that stream; and the owners of the lands, being desirous of protecting their lands, are engaged in planting willows and other shrubs and trees of rapid growth for that purpose; and in order to prevent the destruction of the young growth, by stock running at large on the river bank, and between that and the water's edge; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all stock running at large between the top of the bank and water's edge, when the same is not fronting the land, the title or right to the possession of which is in

1876. the owner of the stock or his tenants, shall be liable to be taken up and posted as strays in the same manner as provided by chapter one hundred and three, title "Strays," in the General Statutes; and the owners of said stock shall be subject to a fine of not less than five nor more than fifteen dollars for every such offense, to be recovered by warrant in the name of the informer, before a justice of the peace residing in the district where the stock may be found: *Provided*, This act is not to prevent the landing of stock from boats, or the owner from driving his stock along the banks of the river to and from market.

§ 2. That this act shall take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 670.

AN ACT for the benefit of S. I. M. Major and Waller Overton.

WHEREAS, It is claimed by S. I. M. Major and Waller Overton that the Auditor of the Commonwealth, on the 19th day of December, 1860, under and in pursuance of chapter five, section twenty-two, of the Revised Statutes, made a contract with S. I. M. Major and Waller Overton, employing them to bind the Journals, Acts, and Legislative Reports, and other public documents which might be proper and necessary to be bound for the State for two years, commencing on the first day of January, 1861, at the same rate and same prices that had heretofore been paid to A. C. Keenon for the previous two years; and whereas, the said contract in writing was extended for two years, from and after the 1st day of January, 1863, by additional contract in writing, dated the 27th day of August, 1861, and was made to embrace all the blank books and all ruling which the Auditor in his official capacity might buy or order for his own use, or the use of the other departments of the State Government, at prices theretofore paid for such work, and Major and Overton agreed in said contract that one and one half per cent. should be deducted by the Auditor in the settlement of their accounts for binding done from the 1st day of January, 1862, to the 1st day of January, 1863; and in the settlement of their accounts for binding done after the 1st day of January, 1863, three per

cent. for the benefit of the State; and the General Assembly 1876.
by an act approved December 21, 1861, entitled "An act creating the office of Public Binder, and repealing so much of article one of chapter five of the Revised Statutes as authorizes the Auditor to make contracts for binding the public books," took away from the said Major and Overton the right to carry out and perform the said contract so made between the Auditor and them; and they claim that they have suffered damage and injury thereby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for S. I. M. Major and Waller Overton to institute suit against the Commonwealth of Kentucky to recover from the Commonwealth the damages they have sustained, if any, in the Franklin circuit court, on account of the alleged breach of contract aforesaid. If the judgment of the said circuit court shall be in favor of the plaintiff, an appeal therefrom shall be taken by the Attorney General to the Court of Appeals; and if thereupon the judgment be affirmed, the Auditor shall draw his warrant upon the Treasurer in favor of the said Major and Overton for the amount of the judgment, and the Treasurer is directed to pay the same out of any money in the Treasury not otherwise appropriated. The General Assembly does not intend by this act to intimate any opinion as to the question of whether or not the said S. I. M. Major and Waller Overton have sustained any damage whatever by reason of the matters complained of by them, or that their contract with the Auditor has in any way been violated.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 671.

AN ACT to incorporate the Kentucky Infirmary for Women and Children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following named persons, viz: John Jones, Corporators. D. D., B. F. Avery, Esq., George W. Griffiths, M. D., B. F. Grant, M. D., and Hon. Edw. Badger, their associates and successors, be, and they are hereby, created a body-politic and

1876.	corporate, under the name and style of "The Kentucky In-
Name and style.	firmary for Women and Children;" and they and their suc-
Corporate pow-	cessors shall so continue and have perpetual succession and
ers.	existence; and by that name are made capable in law and equity
Common seal.	of contracting and being contracted with, suing and being
	sued, and of doing and performing all other acts pertaining
	to the purposes for which they are organized as though
	natural persons; to have and use a common seal; and to
	make and publish all rules, regulations, and by-laws neces-
	sary for the government of themselves and of said institution:
	<i>Provided</i> , None of them be repugnant to this charter, the
	Constitution of Kentucky, or of the United States; and when-
	ever they deem proper, they may modify, change, repeal, or
	amend them, or enact additional ones.
Object and pur-	§ 2. The objects and purposes of this institution shall be,
poses.	and is, the establishment of—1st. An infirmary or hospital
	specially devoted to the care of lying-in women, and the
	treatment of diseases and accidents peculiar to women and
	children, and for the treatment of deformed and maimed chil-
	dren; 2d. A collegiate department, to be attached to as a part
	of said infirmary, specially adapted and devoted to the clini-
	cal and didactic instruction of students of medicine, and to
	the practical training of nurses. Said institution is to be
	located in Louisville, Kentucky, and open to the reception
	and treatment of patients from all parts of the world; and
	every citizen of this State of the classes mentioned, who are
	unable to pay for their treatment, shall receive the same free
	of charge, upon application in the manner provided by the
Exempt from	by-laws; and said institution shall not be subject to taxation.
taxation.	All of its departments shall be in charge of and under the
Board of regents.	control of a board of five persons, to be called the "board of
	regents." Said board shall be composed of the aforesaid five
	named incorporators and their successors; and as such shall
Their powers.	be vested with full powers to fill all vacancies in their own
	board, or in either of the others hereinafter mentioned,
	whether occurring by death, resignation, or otherwise; also
Officers—how	to elect from their own number, and for the purpose of or-
elected.	ganization, a president, vice president, secretary, and treas-
	urer for the board of regents, who, and each of whom, shall
	perform the duties appointed for them by the by-laws, and
	for the length of time therein prescribed. The title to all

property, real and personal, belonging to said institution shall be held by said board for the purposes and uses herein set forth, and they shall be responsible therefor. There shall also be a "medical board," a "board of visitors," an "advisory board," and a faculty for purposes of instruction in the collegiate department, who, and the members of each of whom, shall be appointed by the board of regents, to serve such a length of time, perform such services and duties, and receive such compensation as may be prescribed by the by-laws. The members of the board of regents shall not on that account be disqualified from holding any other position or office in said institution. Any four of them shall constitute a quorum for the transaction of business, and their term of service shall be for life unless resigned. They shall have power to elect honorary members to their own board, or either of the others, and to appoint all necessary agents, assistants, and servants required in and for said institution, and to discharge them, or any of them, whenever they may deem it proper or necessary. Said board shall receive and hold, for the benefit and purposes of said institution, all donations, bequests, and conveyances of property from whatsoever source coming, and apply the same to the uses thereof in the manner prescribed in the by-laws. They shall have power to rent, buy, or build all and any property, real or personal, they may deem necessary and beneficial for the uses and purposes of this institution.

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Title of property

Quorum.

May hold property, &c.

§ 3. The medical board shall consist of the requisite number of practicing physicians and surgeons, graduates of regular colleges, who shall be appointed by the board of regents, and whose duties shall be such as shall be prescribed by the by-laws. They shall serve for one year, unless sooner relieved from duty by the board appointing them.

Medical board—how composed.

§ 4. The board of visitors shall consist of thirty ladies, any five of whom shall constitute a quorum for the transaction of business; said board shall have charge of the moral well-being of the infirmary department, and a general supervision over the domestic management of said department; they shall have the power to visit said infirmary at any and all times; to inspect all its divisions; to suggest to the board of regents all changes, modification, or improvements they may deem essential to the welfare of the patients; also to suggest the

Board of visitors—how composed.

Their duties.

1876. appointment of matrons, nurses, servants, assistants, or their discharge when deemed by them beneficial to said institution; they shall also have the right and power to provide means for the current expenses and daily wants of said infirmary department; and the right to introduce as charity patients all diseased and afflicted women and children, residents of Kentucky, who are too poor to pay for medical treatment otherwise. The fees for all patients able to pay will be such as may be determined by said board of regents.. Said board of visitors shall also have the power to make by-laws for the government of their own body: *Provided*, They shall not be repugnant to any of the by-laws made by the board of regents; also the right to nominate for appointment to the board of regents any person to fill vacancies in their own board, no matter from what cause occurring. Their term of service shall be for two years, except for the first term fifteen of their number shall serve for one year only, so that there shall be fifteen of said board elected annually by the board of regents.

Board of faculty—how composed.
Their powers.

§ 5. The board of faculty for the collegiate department of this institution shall be graduates of regular schools of medicine and surgery; said faculty shall have power to confer degrees and issue diplomas, which shall have the same force and effect possessed by similar degrees and diplomas conferred by other incorporated medical schools of this State.

§ 6. This act to take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 672.

AN ACT for the benefit of Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May levy an additional tax to build poor-house.

§ 1. That the county court of Meade county, a majority of the justices of said county sitting, and a majority of those present agreeing thereto, are hereby authorized and empowered to levy annually a tax of not more than one dollar per capita upon the citizens thereof, and an ad valorem tax of not more than ten cents on the one hundred dollars' worth of property subject to taxation, for the purpose of buying land and erecting a poor-house thereon.

§ 2. That the sheriff of said county shall collect and pay 1876.
over to the county treasurer any tax that may be levied under How collectable.
the provisions of this act.

§ 3. This act to take effect from its passage.

Approved March 13, 1876.

CHAPTER 673.

AN ACT to amend the charter and laws of the town of Bellevue, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the special taxes for the making, improving, or repairing of any avenue, street, alley, public way, or sidewalk in said town, or of any part of any avenue, street, alley, public way, or sidewalk, shall include the grading, paving, macadamizing, curbing, graveling, bowldering, and all other cost and expense of the work and material; and such cost and expense, as the same shall be ascertained and fixed by the board of trustees of said town, shall, by order of said board, be charged up to and apportioned equally upon the front foot of the lots or real estate fronting the work or improvement done, and as apportioned as aforesaid shall constitute a special tax debt against the property and owners of such real estate, or lots or parts of lots respectively, and a lien shall exist from the time of commencing the work in favor of said town upon such real estate, or lots or part of lots, for the security and payment thereof, with all penalties and expenses incident thereto.

§ 2. That the clerk of said board shall make out special tax-bills for the respective amounts due from the parties, and shall place them in the hands of the treasurer of the town to be paid by him; whose duty it shall be thereupon to post notices in at least three public places in said town that said bills are in his hands for payment, and to note upon his records the time and place of posting such notices. The said bills shall be payable to said treasurer for twenty days from the date of posting such notices; and if any of them shall remain unpaid at the end of said twenty days, it shall be the duty of said treasurer to return the same to said clerk as delinquent;

1876. and it shall be the duty of the clerk to report the same in writing to the board of trustees, who are empowered to add to each of the delinquent bills a penalty of not exceeding twenty per cent. upon its amount, and direct the clerk to place the bills in the hands of the marshal of the town, or any special collector that may be designated by said board of trustees; and may allow such marshal or collector a per cent. for such collection, not exceeding two thirds of the penalty added to such bills. Such marshal or collector shall have the power to levy or distrain upon any personal property of the delinquent. Said bills, if not paid or levy made, shall be returnable in sixty days. If levy or distraint is made the same shall be disposed of as in case of levies by execution. Said town is also empowered, at any time that said board of trustees may deem proper, to proceed by suit in the Campbell circuit or chancery court, or any court of similar jurisdiction in Campbell county, to enforce its lien aforesaid, as well as for personal judgment for the amount against the delinquent party.

§ 3. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 674.

AN ACT for the benefit of J. C. Andrews, of Clinton county.

WHEREAS, On the 10th day of January, 1874, J. C. Andrews, of Clinton county, was owner of a mill valued at three thousand five hundred dollars, on which he was assessed, and paid to the sheriff of said county for said year the sum of fifteen dollars and seventy-five cents tax; and whereas, on the 28th day of said month said property was consumed by fire; and whereas, he deems it a hardship to be compelled to pay tax on property he did not possess; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tax paid by J. C. Andrews for the year 1874 be, and the same is hereby, refunded, and the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of fifteen dollars and seventy-five cents in favor of J. C. Andrews.

§ 2. This act to take effect from and after its passage.

Approved March 13, 1876.

CHAPTER 675.

1876.

AN ACT to change the line between the counties of Barren and Metcalfe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the line between the counties of Barren and Metcalfe, and near the residence and premises of Richard Franklin, and also near the residence and premises of H. C. Bybee, be, and the same is hereby, straightened, and made to run the original route and general course of said county line, near which each of said premises is situated, so as to include each of said premises and parties in the county of Metcalfe: *Provided*, That all lands included in Barren county as the line now runs shall continue to be liable for railroad taxes in Barren county as now provided by law.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1876.

CHAPTER 676.

AN ACT to incorporate the Tygart Valley Turnpike Road Company, in Greenup and Carter counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created a body-politic, by the name of the Tygart Valley Turnpike Road Company, with power and authority to construct a turnpike road from the ferry landing on the Ohio river in the town of Springville, in Greenup county, to the old Lexington and Big Sandy Turnpike, at or near Olive Hill, in Carter county, by any route that may be adopted by the president and directors thereof, through the Tygart Valley and the Buffalo Fork of Tygart's creek, and the other tributaries of Tygart's creek; and the president and directors shall have perpetual succession; and may contract and be contracted with, sue and be sued. The capital stock of said company shall not exceed forty thousand dollars, in shares of fifty dollars.. At all elections, each shareholder shall have one vote for each share held by him or them, which may be cast in person or by proxy.

Name and style.

Corporate powers.
Capital stock.

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• Subscription to stock—how received.

§ 2. W. P. Bennett, Stephen H. Carnegie, James Morton, Finley Worthington and Eli Cooper, or any two of them, as commissioners, may open books and receive subscriptions to said capital stock, at any time and place until the whole is taken, or until sufficient stock is taken to construct said road, or to organize said company. As soon as two thousand dollars of said stock has been subscribed the acting commissioners shall give, in writing, posted at three public places on said route, ten days' notice of a meeting of the stockholders to elect three directors and a president to manage the affairs of said company, who shall hold their office for one year, and until their successors are elected and duly qualified. After the first election, all subsequent elections shall be held on the first day of January in each year, at such convenient place as the directory may designate.

Officers—when elected.

Meetings—how called.

Vacancies—how filled.

§ 3. That the president or any two of the directors may call a meeting of the stockholders at any time they may deem necessary, and the president and any two of the directors, or in the absence of the president the three directors, shall form a quorum for doing business; and they shall have power and authority to elect a treasurer and such other officers and agents as they may deem necessary; to fill vacancies in the board of directors or other officers by appointment until the next regular election; they shall also have authority to require and receive all and any necessary official bonds from the officers and agents of the company to secure a faithful performance of their trust.

May acquire right of way.

§ 4. That the said company may acquire, by relinquishment, gift, deed, or writ of *ad quod damnum*, the right of way of the said road upon the route adopted, and ground for toll-houses, not exceeding one acre for each house, and such rock, timber, and quarries as may be necessary to construct and keep their said road in repair, agreeing to pay and paying a fair and reasonable compensation therefor; the road to be of such width and grade as said company may agree on, not to less than twelve nor over thirty feet wide, and the grade not to exceed four degrees in steepness.

Officers to keep account of business.

§ 5. That the president and directors shall keep a fair and just account of all moneys which shall be received by them, and of all money by them expended in the prosecution of the work and business of the company; and all costs, charges, and

expenses of said company shall be paid and discharged, and the amounts of the same shall be entered upon the books of the company, subject to the inspection at all times of any one or more of the stockholders. That the president, directors, and other officers of the company shall annually, at the election of the officers thereof, make each a detailed report of their actings and the condition of the company, to the stockholders, which reports shall be kept on file in the records of the company.

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§ 6. That the said company, when they finish two and a half miles of said road from the beginning, may locate and establish a toll-gate thereon, and charge and collect half toll until they shall finish five miles of said road, when they can collect full toll at the rates of tolls provided in chapter one hundred and ten of General Statutes.

When may establish a toll-gate

§ 7. That said company, after organizing, is authorized to receive subscriptions of stock to said company from any person or persons wishing to take stock in this road.

§ 8. The Legislature reserves the right to amend, repeal, or modify this act of incorporation.

§ 9. This act shall take effect from and after its passage.

Approved March 13, 1876.

CHAPTER 678.

AN ACT to amend the charter of Brandenburg, in Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the town of Brandenburg, in Meade county," approved March 28, 1872, be amended by repealing the following words in the ninth section of said act, viz: "Not exceeding fifty dollars," and enacting in lieu thereof the words, "not less than one hundred dollars, nor more than three hundred dollars."

§ 2. That the board of trustees of said town may levy an ad valorem tax on the personal property in said town, not exceeding forty cents annually on the hundred dollars; and it is further enacted that the additional taxes herein provided for shall be assessed, levied, and collected as is now

1876.

provided for raising revenue by the act of incorporation aforesaid.

§ 3. This act to take effect from its passage.

Approved March 13, 1876.

CHAPTER 680.

AN ACT to incorporate the Demossville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated to construct a road on the macadamized plan from the town of Demossville, in Pendleton county, to a junction with the Colemansville road at the Three Forks of Grassy creek, in said county, a distance of one mile and sixteen rods, to be called and known by the name of the Demossville Turnpike Company; and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, and have and use a common seal, and alter or amend the same at pleasure.

§ 2. That the capital stock shall be three thousand (\$3,000) dollars, divided into shares of twenty-five (\$25) dollars each, and each share shall entitle the holder to one vote in all meetings or elections of the stockholders.

§ 3. That R. D. Mullins, John Oetzell, Charles Kidder, J. J. Vastine, and Z. H. Mullins are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock at Demossville, or such other place or places, and at such time as said commissioners may deem expedient; and so soon as two thousand dollars is subscribed by individuals, companies, or corporations, they shall give ten days' notice to the stockholders of a meeting for the purpose of electing a president and four directors for said company, a majority of whom shall be competent to act and do all things authorized by this act to be done by the president and directors of said company; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually at such times and place as may be prescribed by the by-laws adopted by said company, and who shall continue in office until their successors shall be elected.

§ 4. That no person shall be eligible as president or director of said company who shall not be the owner, in his own right, of one or more shares of stock in said road; and any president or director ceasing to be the owner of stock in said road shall cease to be president or director of said company; and said board may, from time to time, appoint and fill all vacancies occurring in their body.

1876.

Who eligible.

§ 5. The said president and directors shall have the power of appointing a treasurer, gate-keeper, and all other officers or agents deemed necessary to effect the purposes of this act, and to renew the same at pleasure. They shall have power to require of the treasurer and all other officers or agents appointed by them bond and security, in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such, and containing any other conditions or stipulations which they may require.

Power of president and directors.

§ 6. The commissioners herein appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligations in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay the president and directors of the Demossville Turnpike Company the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, at such times as shall be required by the president and directors of said company, and agreeably to the act of the General Assembly incorporating said company. Witness our hands, this — day of —."

§ 7. That said president and directors shall have the right, when said road is graded and ready for travel, to erect a gate thereon at such point as may be deemed most suitable by them; and when so erected, the said company shall have the right to demand and collect and receive at said gate, from the persons traveling or using said road, the following rates of toll, viz: for every hog, sheep, or other small stock, one fourth of one cent; for every head of cattle driven or led, one half of one cent; for each horse, mule, or ass led or driven, one half of one cent; for each person on horseback, one cent; for each wheeled vehicle drawn by one horse, three cents; drawn by two horses, five cents; drawn by four horses, ten cents; and drawn by six horses, twelve cents.

When may erect toll-gate.

1876.

When certificate of stock is to be issued.

§ 8. When any stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, attested by the secretary, to give such stockholder a certificate of his stock.

§ 9. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be part hereof.

§ 10. That this act shall be in force from its passage.

Approved March 13, 1876.

CHAPTER 681.

AN ACT to authorize the mayor and council of the city of Augusta, in Bracken county, to make a subscription to the Augusta and Berlin Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Mayor and council may subscribe to capital stock.

Proviso.

§ 1. That it shall be lawful for the mayor and council of the city of Augusta, in Bracken county, to subscribe to the capital stock of the Augusta and Berlin Turnpike Road Company, organized under an act approved March 16, 1869, a sum not exceeding five thousand dollars, in aid of said company in the construction of said road: *Provided*, That before the mayor and council shall make an order directing the mayor to make a subscription on the part of the city to said road, they shall submit to the qualified voters of said city the question whether they are for or against the making of said subscription, the vote to be taken on the question of making the subscription at such time and such manner as the mayor and council may direct by ordinance, due notice being given not less than twenty days before said vote is taken.

§ 2. That if it shall appear from a return of the officers taking the vote under the ordinance of the board that a majority of all the legal voters voting at said election voted in favor of the subscription being made to said road company, then the mayor of the city shall make the subscription of the amount specified in the ordinance directing the vote to be taken, not exceeding, however, the amount specified in the first section in this act.

§ 3. That in the event the mayor and council shall cause said subscription to be made, they are hereby authorized to borrow money to pay the same, and issue the bonds of the city therefor, payable at such time as may be agreed upon, and bearing interest at not more than eight per cent. per annum.

1876

Mayor and
council may bor-
row money.

§ 4. That in order to provide for the payment of the money authorized to be borrowed by section three of this act, and the accrued interest, the mayor and council are hereby authorized to cause to be levied an amount not exceeding thirty cents in any one year on all the taxable property of the city, as returned by the assessor of the said city, until a sufficient amount is raised to pay off said debt.

How payable.

§ 5. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 683.

AN ACT giving Henry Fields, late sheriff of Perry county, the further time of six months in which to make out and return his delinquent list for the years 1873 and 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Fields, late sheriff of Perry county, be, and he is hereby, given the further time of six months from and after the passage of this act to make out and return his delinquent list for the years 1873 and 1874; and when so made out, said Fields shall receive credit therefor.

§ 2. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 684.

AN ACT to amend the charter of the town of Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts respecting the town of Hickman, Kentucky,'" approved February 6th, 1858, as extended the corporate limits of said town in West Hickman, be, and the same is hereby, repealed.

1876. § 2. That this act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

CHAPTER 685.

AN ACT to amend the charter of the Augusta and Dover Turnpike Road Company, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Augusta and Dover Turnpike Road Company be so amended as to authorize the president and directors of said company to erect a toll-gate on said road within less than one mile of the corporate limits of the city of Augusta.

§ 2. That this act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 686.

AN ACT to incorporate the Ohio County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Bank established
Capital stock.

Corporate powers.

§ 1. That there is hereby established a bank of deposit in the town of Hartford, Ohio county, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the persons named in the third section of this act, and their successors, shall be a body-politic and corporate, by the name and style of the Ohio County Bank, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Directors—when
and how elected.

§ 2. That said bank shall be under the control and direction of five directors, all of whom shall be residents of Ohio county, Kentucky, and shall be stockholders. After the first election they shall be elected on the first Monday in January of each year, and hold office until their successors are elected

and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever it is deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be transferable only on the books of the bank upon such rules as the board of directors may from times establish.

Vacancy—how filled.

§ 3. That J. A. Thomas, J. F. Collins, H. D. McHenry, J. F. Austin, Edmund Rowe, A. C. McIlroy, J. B. Wells, and Z. W. Griffin, are hereby appointed commissioners, any three of which may open books and receive subscription for the capital stock; and when two hundred and fifty shares of stock shall have been subscribed for, it shall be their duty to give notice in the county paper published in the county, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment of the shares subscribed shall be as follows: There shall be paid ten per cent. on the amount of each share within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after ten thousand dollars shall have been paid in, the board of directors shall have power to prolong the time for the residue; and should any subscriber fail to pay for their subscription of stock as herein provided, after giving notice in the county paper for thirty days, the directors may, by resolution entered on their books, forfeit such stock, and resell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the stockholder, after deducting any unpaid calls and costs of sale. Said corporation may commence business so soon as five

Commissioners.

Stock—how paid

1876. thousand dollars shall have been subscribed and paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary.

§ 4. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulating as money, and repay the same at such times, and in such manner, and with such interest, not exceeding lawful rate per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, and in exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the same in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871.

May acquire
and hold real es-
tate, &c. § 5. That said corporation may acquire, use, hold, possess, occupy, all such real estate, goods and chattels, as may be necessary and convenient for the transaction of business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of, or to aid in the satisfaction of, any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws as they deem necessary: *Provided*, The same be not contrary to the laws of this State of the United States.

§ 6. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 7. That the General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 8. That no certificate of stock shall be issued except for that subscribed on the books of said bank, and bona fide paid in.

§ 9. That the indebtedness of said bank shall at no time exceed the actual paid in stock, over and above its indebtedness to its cash depositors.

§ 10. The president and cashier of said bank shall publish, in some newspaper of general circulation in the vicinity thereof, a semi-annual statement under oath, giving a full and fair statement of the financial statement of said bank.

§ 11. That this act shall take effect from its passage, and continue in force twenty years unless repealed.

Approved March 13, 1876.

CHAPTER 687.

1876.

AN ACT in relation to commissioners' sales in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sales to be made in the county of Nelson, by the master commissioner thereof, of real estate or personal property, shall, whenever said real estate or personal property exceeds three hundred dollars in value, be advertised in two consecutive numbers of the newspaper published in said county having the largest circulation, the cost of such advertising to be paid out of the proceeds of the sale thereof.

Master commissioners' sales to be advertised.

§ 2. That not more than one dollar per lineal inch shall be paid the publisher of said newspaper for any such advertisement.

§ 3. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 688.

AN ACT to amend an act incorporating the Winchester and Kentucky
• River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Winchester and Kentucky River Turnpike Company be; and they are hereby, authorized and empowered to construct a branch turnpike road from the present road to intersect the Kentucky River Turnpike Road at a point to be selected by said board.

§ 2. *Be it further enacted,* That in constructing said road said board of directors shall have the power to procure by contract the right of way for said branch road, and for materials for the construction thereof; and if unable to procure the same by contract, they shall have a right to have the same condemned by a writ of *ad quod damnum*, proceeded under as the law requires.

§ 3. *Be it further enacted,* That said company shall have the right to put up a gate, and charge half toll on said branch road, when completed, with a good bridge across Lower Howard's creek, and the completion of which shall have been certified to the Clark county court, by two justices of the

1876. peace, who shall have been appointed by said court to examine said branch road, and to report upon its condition.

§ 4. *Be it further enacted*, That the said company be, and is hereby, permitted and empowered to move the toll-gate on said road nearest to the town of Winchester to such point at the junction of the Winchester, Colbyville, and Lexington Turnpike Road with said Winchester and Kentucky River Turnpike Road as the directors may deem most advisable, in order that the gates for both roads may be kept by the same person.

§ 5. This act to take effect after its passage.

Approved March 13, 1876.

CHAPTER 689.

AN ACT to amend the charter of the town of Richmond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of Richmond, Kentucky, shall have the power and authority to assess, levy, and collect taxes on all the real estate in the limits of said town, and such personal property as they may designate: *Provided*, That nothing herein shall authorize the assessment of cash capital in any other way than that provided for its assessment under the equalization law of this State: *And provided further*, That assessments on all kind of property shall be uniform.

§ 2. That the board of trustees shall appoint annually, from among the citizens of Richmond, an assessor, who shall, before he enters upon the duties of his office, take an oath to faithfully and impartially discharge the duties thereof. It shall be the duty of the assessor to call upon all persons owning property in said town, or their agents, if they should be non-residents of the county of Madison, and upon all persons subject to a per capita tax, and cause each person to give a true list of his taxable property, and the value thereof; which list shall be sworn to by the person giving the same. The assessor shall administer the oath; and the list so made out shall include all real estate in the limits of said town, all personal property designated for taxation, and the names of all male citizens of the town over twenty-one years old.

1876.

§ 3. That the powers and duties of the collector of the town tax assessed as hereinbefore provided shall be the same as to the distraining, advertising, and selling property as is given by law to the sheriff in the collection of State revenue and county levy. For failure to pay taxes hereafter levied on real estate in said town, the collector of the town tax shall, when the party owing the tax has no personal estate of which the tax can be collected, have the same power to sell real estate for tax as is now given by law to sheriffs to sell real estate for State revenue; but before selling real estate, the collector shall advertise the sale as sheriffs are required to advertise sales of real estate for taxes; and he shall make all sales of real and personal estate made by him before the court-house door in Richmond. It shall be the duty of the collector to make the same returns to the board of trustees in regard to delinquent lists that sheriffs are required to make to county courts. The board of trustees shall have the power to order sales of land for taxes, and all power, in every respect, in regard to sales of real estate for tax, that the Auditor of Public Accounts has in respect to the sale of land for State revenue. The collector shall make deeds to the purchaser or purchasers of real estate sold by him under the provisions of this act at the same time, upon the same conditions, and in the same manner, that sheriffs are required to make deeds to purchasers of land sold for State revenue. The collector shall execute a bond, with two or more sureties, for the collection of the town tax, which bond shall be recorded in a book by the clerk of the board of trustees; and the stipulations of said bond shall be, that the collector will collect and pay over to the board of trustees, on or before August 1st in each year, all the tax assessed in said town and put in his hands for collection, except that from which he shall be released by the board of trustees on account of the persons against whom the tax is assessed having no property out of which to make it. Suit may be instituted on the bond aforesaid, in the name of the board of trustees of Richmond, against the collector and his sureties, for a failure to collect and pay over to the town as stipulated in the bond. The collector shall receive the same commission for collection as sheriffs receive for collecting State revenue.

§ 4. That the police judge of Richmond shall have jurisdiction of all actions for the recovery of money or personal prop-

1876. erty when the amount in controversy, exclusive of interest and cost, does not exceed one hundred dollars; and he shall have the power to issue and try writs of forcible entry and detainer.

§ 5. That the board of trustees shall have the power and authority to appoint and remove special police officers of said town, and fix their compensation; and may also prescribe their respective duties in the order appointing them, which order shall be entered of record; and unless the duties of said officers are specially prescribed in the order of appointment, they shall have only the power to make arrests now given by law to constables.

§ 6. That said board of trustees may appoint an attorney for said town, and shall pay him a reasonable compensation for his services.

§ 7. That the board of trustees of Richmond shall have the power to levy an ad valorem tax of ten cents on each one hundred dollars' worth of taxable property in said town, in addition to the tax they are now allowed to levy: *Provided*, That this section shall not take effect and be a part of the charter of said town until it is ratified and approved by a majority of the voters of said town at a regular election of trustees in said town; and before this section shall be voted on, notice of the submission of the same ratification and approval shall be given in two issues of the Kentucky Register newspaper by the board of trustees.

§ 8. That so much of all the provisions of the charter of Richmond, and the amendments thereto, as are inconsistent with this act, are hereby repealed; and this act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 690.

AN ACT to incorporate the Bank of J. B. Wilgus & Co., of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a bank is hereby established in the city of Lexington, Kentucky, by the name and style of J. B. Wilgus & Co., and by that name are incorporated; and shall be capable of contracting and being contracted with, of suing and being

sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change or alter the same at pleasure.

1876.

§ 2. The stock in said bank shall be deemed personal property, and shall be assignable according to such rules as the board shall, from time to time, establish. The property of the stockholders, real and personal, shall be liable for all the obligations of said bank.

§ 3. That J. B. Wilgus, Joe Clark, Wm. Bright, and Frank Gilmore, or any two or more of them, may, at such time and place as suits their convenience, open books for the subscriptions of stock, which shall be in shares of one hundred dollars each; and when two hundred shares are subscribed and paid for, the stockholders shall meet and organize said bank by choosing a president, directors, and other officers, whose compensation and salary shall be fixed; and bond and security may be required for the faithful performance of their duties.

§ 4. The capital stock of said bank shall be fifty thousand dollars, which may be increased to one hundred thousand dollars.

§ 5. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner, and at such time, as may be agreed upon with depositors, by special or general contract; and may deal in loaning of money, exchange, promissory notes, and other evidences of debt; take personal or other security and real estate for the payment thereof, and dispose of same as authorized by an act, entitled "An act for the benefit of incorporated banks of Kentucky;" and the promissory notes or bills made negotiable and payable at its bank, or at any other bank which may be discounted by said bank, and inland bills of exchange which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedies may be had thereon, jointly and severally, against the drawers and indorsers.

§ 6. The said corporation may acquire, hold, possess, use, enjoy, and occupy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or pur-

1876. chased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make all needful by-laws for the government of said bank, not inconsistent with the Constitution and laws of the United States or the State of Kentucky.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 8. This act shall take effect from its passage: *Provided*, Said bank is organized under it within one year from the date hereof.

§ 9. The Legislature reserves the right to alter, amend, or repeal this act at pleasure.

Approved March 13, 1876.

CHAPTER 691.

AN ACT to authorize school district No. 52, in Pendleton county, to levy an additional tax for school purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That common school district No. 52, of Pendleton county, may, at any time, call an election, for the purpose of levying a tax on the property of said district by complying in all respects with article second of the common school law, except in the time of holding the election, which may be at any time other than the first Saturday in July; and in the amount to be levied, which may be any amount not exceeding one per cent. on the taxable value of the property of said district that a majority of the qualified voters of said district may see proper to impose; and the common school commissioner of said county is hereby authorized, at any time, on the application of the trustee of said district, to sign the notices calling an election as required by said law.

§ 2. This act shall be in force from its passage.

Approved March 13, 1876.

CHAPTER 692.

1876.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in regard to the town of Vanceburg, in Lewis county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Vanceburg be, and shall remain, as established by the act above entitled, approved February 10th, 1866, and that the several maps therein named, and the map of the subdivision of John Short's land, known as "Short's addition," and the several maps of property lying in the fifth ward, which are or may be recorded, are declared to be the true map or plat of said city; and the original, or a duly authenticated copy of any such map or maps, may be used in evidence in the same manner that such copies of other papers or instruments recorded in the clerk's office of the Lewis county court are so used.

§ 2. Said city shall be divided into five wards, and the boundaries of said wards shall be as described in the act above entitled, approved February 10th, 1866, and act amendatory thereof, approved March 25th, 1873, chapter 555, entitled "An act in relation to the city of Vanceburg."

§ 3. The officers of said city shall consist of a mayor, council of nine members, marshal, city attorney, assessor, collector and treasurer, city clerk, street commissioner, gauger and weigher, coal and wood inspector, each of whom shall be chosen in the manner, and at the time or times, and perform the duties herein set forth.

§ 4. The mayor and council shall be elected by the qualified voters residing in said city at the annual election, to be held at the court-house in said city, or in some room thereof, on the first Saturday in January, and shall hold their offices for the term of one year, and until their successors are elected and qualified, not exceeding thirty days after the election. The several wards in said city shall each elect the number of councilmen now provided for by law.

§ 5. The other officers designated in section (3) three shall be chosen by the council at the first regular meeting in February in each year; they shall be chosen by the new council after its organization, and shall hold their offices for and during the term of the council by which they were chosen,

1876. and until their successors shall be elected and qualified, not, however, to exceed thirty days from the time their successors are elected. If any person elected to office in said city shall fail to qualify as hereinafter required, within thirty days after he could legally do so, the office to which he was chosen shall be declared vacant, and filled by the council as hereinafter provided.

Mayor to take
oath and give
bond.

Duty of county
court clerk in
relation to quali-
fications of mayor

§ 6. As soon as the mayor elect shall have received his commission, he shall go before the clerk of the Lewis county court, and take the oaths of office required of justices of the peace, lodge his commission with the clerk of said court until after the succeeding term of the county court, and shall execute bond to the Commonwealth of Kentucky, with good security, conditioned that he will faithfully discharge all the duties of said office, and pay to the proper person, and in due time, any money received by him as mayor. The said clerk shall, on the back of the commission, note the date of its lodgment in his office, and of the qualification of the mayor, and shall also make an entry thereof in the minute-book of said court, and at the first term of the court succeeding shall report the facts to the court, and the court shall cause them to be noted on the order-book, and the bond to be recorded on the order-book, and filed away with the papers of that term. After these proceedings are had, and the bond has been recorded, the clerk shall, upon demand, return the commission to the mayor, and from the date of the execution of his bond and taking the oaths of office, his qualification shall be deemed complete.

Mayor and his
duties.

§ 7. The mayor of said city shall be a conservator of the peace; he shall see to it that all the laws and ordinances of said city be promptly and faithfully executed. In all cases of felony committed or done within the city limits, he shall have the same power and jurisdiction as two justices of the peace; but shall have no power or jurisdiction to try persons for any offense or crime committed beyond the city limits; he shall have jurisdiction to try persons charged with offenses of less degree than felony committed or done within the limits aforesaid, and may hold to bail, or inflict the penalty of fine, or fine and imprisonment, as may seem to him proper; he shall, on the demand of any person brought before him, cause a jury to be summoned for the trial of the offender, if the charge be

uch as a jury can properly try. At any such trial by jury he shall preside and enter up the verdict, and render judgment thereon, and see that the judgment is carried into effect.

1876.

§ 8. In addition to the duties prescribed by section seven, the mayor shall keep a docket for civil suits, and for that purpose shall have jurisdiction in sums not exceeding fifty dollars. In such actions he shall issue process directed to the marshal; and when the process has been returned executed, the cause shall stand for trial five days after such execution. All processes in civil actions issued by the mayor shall be returned before him; when five days after judgment have elapsed, he shall issue execution thereon unless said judgment has been replevied or stayed by order of the plaintiff. In civil causes the mayor shall be allowed the same fees as justices of the peace. In penal prosecutions, and in trials for breach of the ordinances and laws of the town, he shall receive such, and only such, fees as are hereinafter provided.

Mayor to keep docket for civil suits.

All such suits to stand for trial five days after process is served.

§ 9. The marshal of said city shall take the oath of office required of sheriffs and constables; he may be sworn before any officer authorized to administer an oath, who shall give him a certificate thereof, which certificate shall be delivered to the city clerk, and by him filed and preserved. The marshal shall also, before he enters upon the discharge of the duties of his office, execute bond, with good security, for the due performance of the duties of said office, conditioned that he will faithfully discharge every duty of said office, and will, in due time and to the proper person, pay any money received by him as marshal. The deputy or deputies of said marshal shall each take a similar oath, and execute the same kind of bond; the certificate of said oath and the original bond to be lodged with the clerk for preservation.

Marshal—how qualified.

Deputies.

§ 10. The city clerk and the collector and treasurer shall each take the oath required of clerks of the county and circuit courts, and shall give bond, with good security, conditioned as in section nine; the bonds and certificate of the oath to be filed and preserved as therein required.

Clerk, collector, and treasurer—how qualified.

§ 11. Members of the city council, and all other officers designated and provided for in section three, shall, before entering upon the discharge of their duties, take the oath prescribed by section one, article eight, of the Constitution of Kentucky, which oath may be administered by any officer authorized; and a certificate thereof shall be filed with and

Councilmen and other officers to take oath, &c.

1876.

preserved by the clerk; or the oath to such officers may be administered in presence of the council in open session; and if so done, it may be noted on the journal and the certificate dispensed with.

City attorney
and his duties.

Compensation.

Mayor may ap-
point attorney
pro tem.

§ 12. The city attorney shall be the legal adviser of all the officers of the city. It shall be his duty and business to attend the mayor's court, and prosecute all offenders brought before said court for trial, except in cases of felony. He shall, upon request of the council, attend their meetings, and prepare such ordinances as may be deemed necessary. He shall, at the request of any officer of the city, give him a written opinion touching his rights, responsibilities, and duties in office. For his services he shall receive fifty per cent. of all fines collected, where the amount does not exceed five dollars; forty per cent. of all fines between five and ten dollars, and thirty per cent. of all fines exceeding ten dollars, provided he shall have prosecuted the offender against whom the fine was assessed. Of fines assessed in cases he did not prosecute, he shall receive no part. In no case shall the city attorney receive his part of the fine from the defendant or person against whom it was assessed unless the balance of the fine has been paid or amply secured. If part only of the fine is collected, he shall be entitled to and receive his pro rata. When from any cause the city attorney is absent, or does not prosecute an offender, the mayor may appoint some regular practicing attorney not employed in the case to prosecute, and said attorney shall receive the same percentage of fines in cases he prosecutes as is allowed to the city attorney. For any other services rendered by the city attorney, he shall receive a reasonable compensation, to be fixed by the council, and paid out of the public funds subject to its order.

Marshal and
his duties.

§ 13. The marshal of said city shall execute all process and precepts to him directed in any criminal and penal prosecution, and in any civil action, and shall make prompt return thereof; and for the purpose of making arrests for offense committed or done within the limits of the city, he may follow the offender and take him anywhere within the limits of Lewis county. He shall be vigilant and diligent in suppressing disorder and preserving the peace within the city; and may, with or without warrant from the mayor, arrest and bring before his court all offenders against the laws.

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He shall see to it that all the laws and ordinances of the city are faithfully executed, and shall, so far as is in his power, give information and assist in the prosecution of those who violate the law. He shall be specially active and vigilant in detecting and bringing before the mayor all persons guilty of selling liquor without license, all gamblers, keepers of gaming-houses, keepers of disorderly houses, keepers of houses of assignation or prostitution, all persons, male or female, who frequent or visit such houses. He shall arrest and carry before the mayor all disorderly persons, unless they be intoxicated; and any person found upon the streets intoxicated and disorderly, he shall arrest and place in custody, and hold until 9 A. M., of the succeeding day, when he shall bring such person before the mayor. He shall arrest all persons who cause, create, maintain, or commit a nuisance within said city. He shall arrest and carry before the mayor all persons who obstruct the streets, alleys, or sidewalks of the city, or who shall ride or drive on or over any sidewalks or pavements not in front of property owned or in possession of offender. Any and all the duties imposed on the marshal by this section, or any other section or law or ordinance of said city, may be performed by the deputy or deputies of said marshal; and while in office, it shall be their duty to be equally vigilant and active in the enforcement of the laws, and procuring the punishment of offenders.

§ 14. In addition to the other duties of marshal, he shall, if he desires, and executes a bond, with good security, with special reference thereto, be collector and treasurer of said city; but unless the marshal shall, within ten days after his election, execute such special bond, the council shall, at its next regular meeting, select some one else for that position, whose duty it shall be to collect and disburse the taxes and public dues of the city, at such time and in the manner hereinafter stated.

Marshal by
executing special
bond to be col-
lector and treas-
urer.

§ 15. 1. The assessor of said city shall, immediately after his election and qualification as such, call upon the owners of taxable property lying within the city, or upon the agents of such owners as do not reside in the city, and shall cause such persons to make or give to him a true list of all their taxable property, real and personal, and the value thereof; which list

Assessor and
his duties.

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shall be made and taken upon the oath or affirmation of such owner or agent,

Notice to persons not found.

2. If, however, the assessor cannot find the owner or agent of any property at his residence or usual place of business, he may leave notice at either place with some person over the age of fourteen years, or posted or tacked up in a conspicuous place, requiring such owner or agent to meet him at a time and place fixed in the notice, for the purpose of giving in his list.

Persons refusing to list property, or failing to obey notice to do so — how their property to be listed and valued.

3. If any person who owns property within said city shall refuse to list the same, or any one who, having been notified as above provided, shall fail and refuse to meet the assessor at the time and place appointed and list his property, it shall be the duty of the assessor to summon three disinterested persons, residents of the city, who, having been by him first duly sworn, shall, to the best of their judgment, make out the list of said property, and the value of each article thereof, which list and valuation shall be in writing, subscribed by the persons making the same, given to the assessor, and by him returned with his book. After the list and valuation of the property of any such delinquent has been made out and delivered to him, the assessor shall enter upon the tax-book the list of property so made out, giving the various parcels or articles of taxable property enumerated in said list, with double the valuation affixed to each.

Penalty for refusal to list property.

4. The owner of such property so refusing to list the same, or failing and refusing to meet the assessor, and do so when notified as herein provided, shall, upon complaint before the mayor, be arrested and brought before him, and if convicted, shall be fined not less than twenty dollars nor more than fifty dollars.

Property of non-residents — how listed.

5. When property subject to tax for city purposes is owned by persons not residing in and who have no agent in the city, the assessor shall use every effort and means in his power to ascertain the true value thereof, and list accordingly, and for this purpose may swear witnesses as to its value.

Assessor may swear persons as to value of any property.

6. He may in all instances, in his discretion, swear disinterested persons, and interrogate them as to the value of any property listed or to be listed.

When to return tax-book.

7. He shall return the tax-book to the city clerk on or before the first day of April in each year.

8. For his services the assessor shall receive a reasonable compensation, to be fixed by the council, not, however, to exceed the amount for each list allowed county assessors for like services.

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Compensation.

§ 16. 1. The city council, at the regular meeting in April each year, shall appoint three discreet persons, at least one of whom shall not be a member of the council nor officer of the city, to examine the assessor's book, and act as a board of supervisors and equalization; said board shall, within ten days from its appointment, meet, examine said tax-book with care, and correct any errors therein, and if they are of opinion that any property has not been properly valued, to fix a correct value thereon.

Committee of city council to be appointed to act as board of supervisors and equalization, and their duties.

2. They shall give notice in writing to any person whose list has been changed.

Notice.

3. They shall give notice by newspaper publication, or by printed or written advertisement, posted up in five of the most public places in the city, of the time and place of hearing appeals of all who feel aggrieved by the action of the board, or the valuation affixed upon property by the assessor.

Notice of appeals.

4. The board of supervisors shall, at the conclusion of their labors, annex their certificate that they have examined, corrected, and approved the assessor's book, and shall leave said book with the clerk, who shall deliver a copy thereof to the collector and treasurer on or before the 15th day of May each year, and take his receipt therefor. All city taxes shall be due May 15th each year.

Board to certify book.

Duty of clerk in relation thereto.

§ 17. 1. The city clerk shall have custody of all the public records of the city, excepting those pertaining to the offices of the mayor and collector and treasurer, and for their safe-keeping he shall be responsible upon his official bond.

City clerk and his duties.

2. He shall attend the meetings of the council, and keep a correct record of the proceedings had.

Keep record of proceedings of council.

3. He shall, in a book kept for that purpose, record all ordinances, rules, and resolutions passed and adopted by the council.

Record ordinances.

4. He shall issue and sign all orders drawn upon the treasurer, and shall keep a list or statement of the orders drawn, showing the date of each order, to whom issued, and the amount, and out of what fund it shall be paid.

Issue orders on the treasurer.

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Prepare bonds,
&c.

5. He shall prepare, attest, and carefully preserve all official bonds required to be executed by city officers, except as otherwise provided.

Issue licenses
granted by the
council, collect
the tax and pay
to treasurer.

6. All licenses granted, or authorized to be granted, by the council shall be issued by him, under the corporate seal of the city; he shall collect the tax due from the person to whom any such license issued, and pay the same over to the treasurer, taking his receipt in duplicate therefor, one of which shall be filed in his office, and the other kept by himself for his own protection.

7. He shall perform such other ministerial duties as may, from time to time, be imposed on him by the council.

Compensation.

8. In addition to the fees hereinafter provided for, the city clerk shall, for his services, receive a reasonable compensation, to be fixed and allowed by the council.

Records of his
office public rec-
ords.

9. All records of his office shall be deemed public records, and shall at all times be kept open and free to the inspection of any person, and copies by him duly attested, or properly certified, may be used in evidence in any court of original jurisdiction in this State.

Collector and
treasurer and his
duties.

§ 18. 1. The collector and treasurer shall collect and disburse the taxes, and receive, receipt for, and disburse all moneys arising from fines, licenses, and all other moneys belonging to the city. He shall only pay upon the order of the city council, issued and signed by the clerk.

Make annual
report of receipts
& disbursements.

2. He shall, at the first regular meeting of the council after his successor shall have been qualified, make a report of his collections and disbursements during the preceding year, showing in said report from what sources received, and for what purpose expended.

3. He shall, from time to time, when called upon by the council, make a statement of the financial condition of the city; and the books of his office shall at all times be open to inspection of the president or any member of the city council.

Street commis-
sioner.

§ 19. The street commissioner provided for in section two shall perform such duties as, from time to time, be required of him by the council; and it shall be his special duty to see that the streets and alleys be kept clean and free from the accumulations of filth, and that all the laws and ordinances of the city relating to the obstruction of the streets, alleys, sidewalks, and crossings be complied with. He shall report

to the mayor all persons offending in this regard. All improvements or repairs to the streets and alleys and crossings, made by order of the council, not done by contract, shall be under his immediate supervision. No member of the council or other officer of the city shall be eligible to election to this office.

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§ 20. The offices of coal and wood inspector, gauger and weigher, may be held by one and the same person; and the person or persons holding said offices shall perform such duties, and render such services, and receive such fees or compensation, as the council may, from time to time, direct and allow by ordinance.

Coal and wood inspector.

Gauger and weigher.

§ 21. 1. All legislative power in said city is hereby vested in the city council, composed of nine members, as hereinbefore provided. They shall meet at least once in each month, and as much oftener as the business and interests of the city demands.

City council.

2. The time and place of the meeting shall be fixed by ordinance, and shall not be changed except by ordinance or resolution regularly acted upon, passed, and recorded.

Time and place of meeting.

3. At the first regular meeting of any council of said city after the regular annual election, the old council shall assemble and transact any unfinished business, and hear the report of the committee appointed to examine and compare the polls; having done which, they shall adjourn *sine die*.

4. The city clerk shall then call the roll of the council elect, and preside until they do organize by the election of one of their number as president, who shall preside over their deliberations, appoint all necessary committees to aid in the dispatch of business, and preserve order and decorum during their meetings, and during the absence, sickness, or disability of the mayor, shall perform the duties of that officer as mayor *pro tem*.

Manner of organization.

President and his duties.

To be mayor pro tem.

5. The council shall have power to levy and provide for the collection of taxes on tithes, real and personal property, not exceeding two dollars on each male person over the age of twenty-one, and not exceeding one dollar on each one hundred dollars' worth of property in said city subject to taxation for State and county purposes; but the ad valorem levy shall at no time be greater than fifty cents on each one hundred dollars, except it be ordered by unanimous vote of the council.

To levy taxes, &c.

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To appropriate money.

Power to fill all vacancies.

To enact laws and ordinances.

To make and enact rules of business.

Adjourned meetings.

Called or special meetings to be had upon request of three members.

Notice of what it must contain; and to be executed & returned.

To appoint officers of election.

Committee to compare polls.

6. They shall also direct in what manner, and for what purpose, the public funds of the city shall be expended.

7. Power is hereby given them to fill all vacancies in any office in said city.

8. To make and enact all needful laws and ordinances for the better government of the city, not inconsistent with the charter, and the various amendments thereto.

9. To make and enact all needful rules of business and by-laws for their own government while in session.

10. Besides the regular monthly meeting herein provided for, the council may adjourn to meet at any time for the transaction of unfinished business.

11. The president of the council shall, upon the written request of any three members, call a special meeting for the transaction of only such business as shall be designated in the request and made known in the call. Notice, in writing, of the time of the meeting, and the object thereof, shall be given three full days before the time fixed, which notice shall be executed by the marshal by delivery of a copy thereof to each member if to be found within the city, and if any member is absent from the city or cannot be found, then by leaving a copy of such notice at his residence with some member of the family over sixteen years of age, or at his regular place of business posted in some conspicuous place. The marshal shall, at or before the hour fixed for the meeting, return the notice to the clerk, with a written indorsement thereon showing the day and hour the same was delivered to him, and the time when and the manner in which the same was executed upon the members.

12. The council shall, at the regular meeting in December in each year, appoint two sober and discreet persons, residents and voters in said city, to act as judges of the election, and a person possessing the same qualifications to act as clerk of said election, to be holden on the first Saturday in January following.

13. At the same meeting the council shall select three of their number to compare the polls and give certificates of election to those receiving a majority or plurality of the votes cast, and certify the election of mayor to the Secretary of State, and to determine a tie, *i. e.*, where two persons candidates for the same office receive an equal and the highest number of votes, by lot, in such manner as they may direct.

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§ 22. The county judge of Lewis county shall not grant a license to any person or persons to sell any spirituous, vinous, or malt liquors within the corporate limits of the city of Vanceburg until the person or persons applying for such license shall have paid into the city treasury of said city of Vanceburg the sum of one hundred and fifty dollars; and the evidence of such payment shall be the production of the city treasurer's receipt for said amount upon application in the county court for such license. The city council may, at any regular meeting after the expiration of two years from the passage of this act, increase the amount required to be paid into the city treasury under the provisions of this section to any amount not exceeding the sum of two hundred and fifty dollars; and when such increase is made, the county judge shall not grant any license, as provided in this section, until a receipt from the city treasurer for the full amount so fixed by the city council shall have been produced in his court as provided aforesaid. It shall be the duty of the city treasurer to receive and receipt for any money that may be tendered him in accordance with the provisions of this section; and all such moneys that may be collected by him under the provisions of this section shall be used only in employing teachers to teach the public schools in said city, and shall be paid out by the treasurer on the order of the school trustee for the school district in which the city of Vanceburg is situated.

§ 23. The council of said city, in addition to the powers heretofore or now herein granted them, and enumerated in the preceding sections, are hereby specially authorized and empowered—

First. To borrow money upon the credit of the city, to be used in making any improvements in streets and alleys, to pay for lands condemned for such use, or to purchase land and erect public buildings thereon for the use of the city officers and for city purposes, and to pledge the taxes and revenues of the city for its repayment; and to cause bonds of the city, bearing any rate of interest not exceeding ten per cent., due in not less than five nor more than twenty years, to be issued therefor.

To borrow
money and issue
bonds.

Second. To prevent and abate nuisances at the cost of the person or persons on whose grounds they exist, or at the ex-

Nuisances.

1876. pense or cost of the tenant or occupier of said grounds when he is in default, and to declare by ordinance what is or shall be a nuisance, and affix the penalty for its violation.

Third. To enact, and cause to be carried out, all needful ordinances relating to the opening and keeping in repair streets and alleys, and the erection and repair of bridges, crossings, culverts, and sewers.

Streets and alleys, crossings, bridges, sewers, and culverts.

Fourth. To provide for the lighting of the streets and city buildings.

Fifth. To provide for the purchase of land, and the erection thereon of such buildings as may be necessary for the use of the officers of said city, including "Town Hall," office for the mayor, clerk, collector, and treasurer, and city prison, and to provide for the renting of any building or buildings to be used for said purposes.

Sixth. To provide for the erection or renting of a building, in some secluded spot, to be used as a pest-house, and for the removal thereto of persons afflicted with contagious diseases.

Pest-house.

Seventh. To regulate the inspection and sale of meats, fruits, fish, and vegetables, and to provide for the condemnation and destruction of such as are unwholesome and unsound, and the punishment of offenders in this regard.

Meats and vegetables.

Eighth. To tax, license, and regulate the setting up of billiard tables, or other tables whereon games of skill or chance are played, and the opening of bowling or nine or ten-pin alleys: all such billiard or other tables to be taxed not less than ten nor more than forty dollars each; and alleys of the kind named not less than fifteen nor more than fifty dollars each; and to punish any person setting up or running any such tables or alleys without license, by fine not less than five dollars nor more than fifteen dollars for each day they are so used, run, or let to the public for hire, or any other consideration.

Billiards.

Ten-pins, &c.

Ninth. To regulate the storage of gunpowder, coal oil, naptha, and all other explosive, combustible, and highly inflammable materials or substances brought to or within the city limits.

Gunpowder, coal oil, &c.

Tenth. To tax all dogs and bitches kept by persons within the city, and to provide for the destruction of all such animals upon which the tax has not been paid on or before the first day of May in each year; also to tax hogs kept within the limits of the city, whether running at large or confined

Dogs, bitches.

Hogs.

upon the premises of the owner, and to provide for the taking up and sale of all hogs upon which the tax has not been paid; and to punish by fine or otherwise the owners of all such dogs, bitches, and hogs upon which the tax has not been paid.

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Eleventh. To prevent the running at large within the streets or alleys of said city horses, mules, jacks, or jennies. Horses, &c.

Twelfth. To prohibit by ordinance minors of either sex being on the streets after night, unless accompanied by parents, guardians, or some responsible person of mature age and known good habits.

Thirteenth. To employ counsel to prosecute or defend any suits to which the city is a party, or in the result of which it is interested, and to provide for his payment.

§ 24. All official bonds herein required to be executed, not otherwise provided for, shall be executed in presence of the mayor and clerk, attested by them, and reported to the council for approval. Official bonds.

§ 25. The collector shall have the same power to levy and sell for taxes due the city as is given to sheriffs in collecting taxes due the State and county; and shall, in sales of real estate for taxes, advertise and report to the clerk of the county court his sales, and give each purchaser a certificate showing the amount paid, and the description of the property purchased; and the owner of said property or person in whose name it was listed may redeem, at any time within three years, by paying to the purchaser the amount bid and paid by him, with interest at twenty per cent. per annum from the day of sale. The collector shall in all cases be authorized and required to bid for and on behalf of the city the amount of the taxes due; and if, at any such sale, the city become the purchaser and owner of any such property, the owner or person in whose name it was listed may redeem, within the time herein fixed, by paying to the treasurer the amount bid, with interest as herein provided. Collector and his power and duties.

§ 26. Any person who, in any street, alley, or open lot, shall make an indecent exposure of his person, or who shall publicly use or make use of any vulgar or obscene language, or who, in any such street, alley, or other public place, shall make any insulting or indecent proposal to any female, or who shall sing any obscene song, shall be fined not less than Indecent exposure of person.
Obscene language.

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five nor more than fifteen dollars, or imprisoned not less than three nor more than ten days, or both fined and imprisoned.

Intoxicated and
disorderly per-
son.

§ 27. Any person who shall be found upon the street, or in any public place, intoxicated or acting in a disorderly manner shall, upon conviction, be fined not less than five nor more than twenty dollars, or imprisoned not less than three nor more than ten days, or both so fined and imprisoned.

Bawdy-house,
house of assigna-
tion.

§ 28. Any person who shall, within the city, keep a bawdy-house or house of assignation, or who shall harbor any lewd woman, shall be fined not less than ten (\$10) nor more than fifty dollars (\$50) for each offense, each day to constitute a separate offense, and the person or persons so harbored or kept, and the persons, whether male or female, visiting any such house of assignation or bawdy-house, shall each, upon conviction, be fined not less than five (\$5) nor more than (\$30) thirty dollars.

Property let
for bawdy-house,
&c.
Penalty.

§ 29. The owner or agent of any real estate who shall rent the same to any person for the purpose of keeping such an house as named in section twenty-seven shall be fined not less than twenty dollars nor more than fifty dollars; and any such agent or owner who, after being aware or informed that his property is being used for such unlawful purpose, fails to eject said tenant or tenants as soon as it legally can be done, shall be fined not less than fifty dollars.

Selling liquor
without license.

§ 30. Any person who, without license from the city council, shall to be issued as provided in section twenty-one, shall sell any spirituous, malt, or vinous liquors, or other intoxicating beverages or drinks, or any mixture or compound of spiritous or fermented liquors, whereby persons are made drunk, or become intoxicated, shall, upon conviction, be fined not less than twenty dollars nor more than fifty dollars for each offense, each separate selling being a separate and distinct offense, one third of the fine to be for the benefit of the person giving the information upon which the conviction is had.

Resisting officer.
Rescue prisoner.

§ 31. Any person who shall oppose the marshal, his deputy, or any legally appointed policeman, in the discharge of his duty, or who shall forcibly rescue from the custody of any such officer a prisoner in his charge, or who shall resist any such officer in legally making an arrest, shall, on conviction, be fined not less than ten dollars nor more than fifty dollars.

§ 32. Any person who shall ride or drive on or over any sidewalk or pavement not in front of the property in his own possession or under his control, shall be fined not less than one dollar nor more than five dollars.

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Riding or driving over sidewalk.

§ 33. Any person who shall ride or drive on or through any street or alley in said city at a gait faster than six miles per hour shall be fined not less than five dollars nor more than fifteen dollars for each offense.

Fast riding or driving.

§ 34. Any person who shall deface or destroy any street-lamp, whether the same be public or private property, or who shall deface, destroy, or cut down any lamp-post, whereon any street-lamp is placed, or intended to be placed, shall be fined not less than five dollars nor more than twenty-five dollars, and shall, besides, be responsible in damages to the owner thereof, to be recovered by action in the mayor's court.

Street lamps.

§ 35. When any person who has been fined for violation of law or ordinance of the city fails to immediately pay or replevy said fine, he shall remain in custody until said fine is liquidated, at the rate of one dollar per day; and while in custody, he shall be compelled to labor for the benefit of the city on the streets, or at such other employment as may be found for him under the direction of the street commissioner; and during the performance of such labor, the prisoner shall be secured by a chain of sufficient length and strength, securely fastened around one ankle, and attached to an iron ball weighing not less than forty pounds.

Persons fined to be compelled to work on streets unless fine is paid or replevied.

How secured when at labor.

§ 36. 1. The election for city officers shall be held and conducted at the time, place, and by the officers hereinbefore named. The persons appointed to conduct said election shall, having been first duly sworn, open the polls for the reception of votes promptly at eight o'clock, A. M., and with the exception of an intermission of one hour at noon, shall keep open the polls until five o'clock, P. M., at which time, unless there be persons at the voting place ready and willing to vote, they shall close.

Elections.

2. The officers of the election shall conduct it in all respects as elections held for State and county officers.

How conducted.

3. Every person who is a qualified voter for county and State officers, who has resided in the city sixty days, and fifteen days next before the election in any one ward thereof, shall be deemed and regarded a qualified voter at said election.

Qualified voters.

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4. No person shall be permitted to vote for councilmen except for candidates to represent the ward in which said voter resides.

5. When the judges disagree upon the question as to the reception of any vote, the clerk shall decide between them.

6. The officers of the election may swear any person whose right to vote is doubted, and may also swear and interrogate other persons as to his residence and qualification as a voter at said election.

Duty of officers after close of polls 7. The officers of the election shall, after the close of the polls, sum up the votes, and certify, over their signatures, the number of votes cast for each candidate, and shall inclose the poll-book in a sealed envelope, appropriately addressed, and marked for identification, and return the same on the Monday following to the city clerk.

Duty of city clerk 8. The clerk shall retain the poll-book unopened in his custody until the meeting of the committee appointed to examine it.

Duty of committee of council. 9. On the Tuesday next after the election, the committee of the city council appointed for that purpose shall meet at the office of the city clerk, between the hours of ten o'clock, A. M., and two o'clock, P. M., and compare the polls, and give certificates to those who have been elected to fill the various offices. In cases where no one has been elected to an office on account of two persons having received an equal and the highest number of votes, said committee shall determine the matter by lot in presence of the opposing candidates, or of two disinterested persons.

Contests. 10. All contests for city offices shall be heard and determined by a committee of three members of the city council, said committee to be selected by the president by lot in the following manner: the names of all the members elect shall be written on separate slips of paper, as nearly of the same size, shape, and appearance as may be; the slips of paper shall then be placed in a box and thoroughly shaken and mixed up; he shall then draw out three slips, and the persons whose names are written thereon shall be and constitute the committee for the trial of the contest, who, before acting, shall be sworn as required by the statute of Kentucky. No contest for any city office shall be heard unless notice, in writing, specifying the grounds of the contest, shall have been served on the person holding the certificate of election within

Notice.

five days after the issual of the certificate; and the contest shall be heard ten days after the board have been selected, unless further time be allowed the parties for the taking of depositions or procuring the attendance of witness to testify orally before the board. The decision of the board shall be in writing, and from said decision an appeal may be taken as in cases of contests for county offices.

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§ 37. Until the council shall otherwise provide, the taxes to be collected, and fees to be paid on licenses issued by the clerk, shall be as follows: On circuses and menageries, for each day's exhibition within the city, twenty dollars; on license to each side-show or separate exhibition, where pay for admission is charged, five dollars; on license to each minstrel, and concert, or other performance connected with such circus, menagerie, five dollars; on each license to theatrical performance, ten dollars; on each license to concert, minstrel, panorama, exhibition of paintings, or any other show or exhibition (not under the auspices of citizens of the place), ten dollars; on concerts for the benefit of churches or other benevolent purpose, conducted by residents of the city, in the sole interest of some benevolent or charitable institution, no tax will be required. In addition to the tax required, the city clerk shall be entitled to receive fifty cents fee for each and every license granted. To collect the taxes for license above enumerated off those who exhibit and refuse or fail to take license as required, or who fail and refuse to pay said tax when demanded, the clerk shall make out a written statement of the amount due, and go before the mayor, any justice of the peace, or the county judge, make affidavit that the claim is just and due, that payment thereof has been demanded of the owner, manager, or treasurer of said show, and that the residence of the owner is beyond the limits of this State, or to him unknown, and that unless an attachment is awarded he verily believes the claim will be lost; thereupon said mayor, justice of the peace, or county judge shall issue an attachment for the amount claimed and the probable costs, not exceeding twenty dollars, which attachment shall be directed to the marshal of the city of Vanceburg, and may be levied upon any horses, wagons, or other property belonging to or connected with said show.

Tax on licenses.

Attachment to be issued to coerce payment of tax.

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Fees of mayor.

§ 38. The following fees shall be allowed the mayor in penal prosecutions, to be taxed as part of the costs: For issuing warrant of arrest, fifty cents; for presiding at trial, one dollar; for entering judgment, fifty cents; for issuing subpoena, twenty-five cents; for each witness, order, or certificate, twenty-five cents; taking replevin bond, fifty cents; taxing costs, twenty-five cents; issuing execution, fifty cents; issuing written order to summon jury, fifty cents; swearing jury and entering verdict, twenty-five cents.

Fees of marshal.

§ 39. The marshal of said city shall receive the following fees, to be taxed as part of the costs in any penal prosecution: For arresting each person, charged with violating the laws and ordinances of the town, one dollar; summoning each witness, twenty-five cents; summoning a jury, whenever ordered to try an offender, seventy-five cents; for collecting money on any execution which issues upon any fine or replevin bond, seven per cent.; for taking replevin bond, fifty cents, and three and a half per cent. on the amount of the execution replevied; for his services in civil suits, he shall be allowed the same fees as constables or sheriffs for like services.

Marshal may
serve process.

§ 40. The marshal of said city or his deputy may execute any process from the Lewis circuit or quarterly court, but shall not be authorized to execute any such process beyond the limits of the city; and the clerk of the circuit court and judge of the quarterly court shall, upon request, direct any process to said marshal.

Jail to be city
prison.

§ 41. Until a city prison shall have been provided, all persons sentenced to imprisonment, or held for non-payment of fine, shall, when not at labor as provided in section thirty-four, be confined in the jail of Lewis county.

Mayor to ap-
point policemen.

§ 42. The mayor of said city shall, when the occasion demands, appoint and swear in as many policemen as may be necessary to preserve order. Said policemen shall, for the time being, have the same power and authority to make arrests as the marshal and his deputies.

Penalty for
shooting.

§ 43. No person, except watchmen, gunsmiths, and militiamen in the discharge of their duty, or unless in defense of life or property, shall fire a gun or pistol within the city limits: any person thus offending shall be fined not less than one dollar nor more than five dollars.

§ 44. Any person who shall sell or give any spirituous, vinous, malt, or other intoxicating liquors to any person who is intoxicated, or to any known inebriate, or to any minor, shall be fined not less than ten (\$10) dollars nor more than (\$50) fifty dollars.

1876.

Selling to minor or inebriate.

§ 45. All ordinances passed by the city council shall be published and made known, either by newspaper publication, or by printed handbill or poster; and if the latter means is adopted, said poster or bill shall be posted up in at least five public places in the city. All ordinances passed by the council shall take effect within ten days from their passage.

Publication of ordinances.

§ 46. All acts and parts of acts heretofore passed, inconsistent with the provisions of this act, are repealed, and all such acts and parts of acts in harmony with this are continued in force and re-enacted.

§ 47. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 693.

AN ACT for the benefit of J. E. Mulkey, sheriff of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until first of August is given to J. E. Mulkey, sheriff of Monroe county, in which to pay into the Treasury the taxes of Monroe county for the year 1875: *Provided*, That his securities upon his revenue bond shall appear before the judge of the Monroe county court, and of record enter their consent to such extension of time.

§ 2. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 694.

AN ACT for the benefit of M. M. Ellison, sheriff of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. M. Ellison, sheriff of Whitley county, be, and he is hereby, allowed the further time until the first day of

1876. June, 1876, to pay into the Treasury twelve hundred dollars of the revenue due from said county for the year 1875.

§ 2. That the Auditor of Public Accounts, in his settlement with said Ellison, will charge him interest on said amount from the first day of April, 1876, at six per cent. per annum until paid.

§ 3. This act shall not take effect until the securities of said sheriff shall go into the county court of Whitley and acknowledge themselves bound for the acts of said sheriff as though this extension of time had not been given; and that the court shall approve the solvency of said securities, and enter the same upon record.

§ 4. This act shall be in force from its passage.

Approved March 13, 1876.

CHAPTER 695.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Hartford," approved March 2, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to grant
coffee-house li-
censes, &c.

§ 1. That hereafter it shall be lawful for the board of trustees of the town of Hartford, in Ohio county, to grant licenses to keep coffee-houses and restaurants within the limits of said town, and fix the rate of town tax thereon, not exceeding one hundred and fifty dollars for each house.

State tax to be
paid, &c.

§ 2. That all persons obtaining license under the provisions of this act shall pay the State tax, execute bond, and make oath as now required by law concerning coffee-houses in this Commonwealth.

Act as proved
March 6, 1872,
repealed.

§ 3. That an act, entitled "An act to amend an act, entitled 'An act to amend the charter of Hartford,'" approved March 6th, 1872, be, and the same is hereby, repealed.

§ 4. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 696.

1876.

AN ACT to amend an act to incorporate the Owingsville Cemetery Company, approved March 25th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of said act be, and the same is hereby, amended as follows: By striking out from the said section these words: "Within three years after the passage of this act."

§ 2. That act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 697.

AN ACT to amend an act, entitled "An act to incorporate the Central Passenger Railroad Company, of the city of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Central Passenger Railroad Company is hereby empowered to subscribe to the capital stock of any company whose object is such that it will draw travel on their lines, as skating rinks, base ball, gardens of various kinds, &c., also of any building association which shall have for its object the owning of real estate and building houses within the limits of Jefferson county, Kentucky.

May subscribe to stock in other companies.

§ 2. Subscriptions shall be made by the president, on authority of a resolution of the stockholders, approved by the board of directors.

Who shall make subscriptions.

§ 3. Amount invested in said companies or associations shall not exceed at any one time thirty thousand dollars.

Not to exceed \$30,000.

§ 4. That it shall be lawful for said railroad company to lease or sell, in whole or part, its property and franchises, to any person or persons, corporation or corporations; and may, by purchase or lease, or other contracts, acquire the right to hold and use the road or roads, the property and franchises of any similar corporation in the city of Louisville or county of Jefferson.

May lease or sell, &c.

§ 5. *Be it further enacted*, That this act shall take effect and be in force from and after the date of its passage.

Approved March 13, 1876.

1876.

CHAPTER 698.

AN ACT for the benefit of the Moorefield and Upper Blue Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for, and the county court of Nicholas county (the county judge presiding) is directed, upon the surrender by the individual stockholders in said company of three fourths or more of their stock therein to the said county court, for and to the use of the county of Nicholas, to make an order accepting said surrender and transfer of stock; and in consideration thereof, the county judge, a majority of the justices of Nicholas county present and voting concurring, may order the letting out of the unfinished part of said road for completion by contract, and may levy an ad valorem tax upon the property of the county subject to taxation for revenue purposes, to pay for completing the road as aforesaid: *Provided*, That the whole amount of taxes to be raised for said purposes shall not exceed five thousand dollars.

§ 2. It shall be the duty of the sheriff of the county of Nicholas to collect said tax when levied, and account for the same according to law.

§ 3. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 699.

AN ACT for the benefit of M. Martin, of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury for the sum of eighty-seven dollars (\$87 00), in favor of M. Martin, of Cumberland county, for expenses incurred in conveying James Roe, a pauper lunatic, from Burksville to Hopkinsville Lunatic Asylum, and back again to said town.

§ 2. That this act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 700.

1876.

AN ACT for the benefit of Hugh Mulholland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasury in favor of James C. Mulholland, for the sum of eighty-one dollars, on the presentation of a certificate of the Quarter-master General for the State of Kentucky, audited and allowed June the 25th, 1875, to Hugh Mulholland.

§ 2. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 701.

AN ACT for the benefit of the sheriff of Calloway county.

WHEREAS, J. H. Swift, sheriff of Calloway county, failed to execute his official and revenue bonds on the first Monday in January, 1876, as required by law; now, therefore, for remedy,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. H. Swift, sheriff of Calloway county, be, and is hereby, allowed further time until the fourth Monday in April, 1876, to execute his official and revenue bonds, and that said bonds, when executed, shall have the same force and effect as if executed at the time now required by law.

Further time allowed to execute bond.

§ 2. This act shall take effect from and after its passage.

Approved March 14, 1876.

CHAPTER 705.

AN ACT for the benefit of B. D. Bailey, of Webster county.

WHEREAS, Lewis Cox had been convicted of felony in the Webster circuit court, and was in the Webster county jail; and whereas, George Spilman and Sol. Ruby were confined in said jail upon a charge of felony; and whereas, said Lewis Cox, George Spilman, and Sol. Ruby, being so confined, made their escape from said jail in the month of November

1876.

last; and whereas, the said circuit court being in session at the time of said escape, the judge thereof directed the said B. D. Bailey, who was then sheriff of said county, to pursue, and if possible capture, the said Cox, Spilman, and Ruby; and whereas, the said B. D. Bailey did thereupon pursue to, and capture in, the State of Illinois, the said Cox, Spilman, and Ruby, and caused them to be lodged in jail in the State of Kentucky; and whereas, the said Bailey, in so doing, incurred expense, and was at great trouble; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of the State draw his warrant upon the Treasurer of the State for the sum of one hundred and fifty dollars, in favor of the said B. D. Bailey.

§ 2. This act shall take effect from its passage.

Approved March 14, 1876.

CHAPTER 706.

AN ACT for the benefit of the Carlisle and Jackstown Turnpike Road Company, Upper Route.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County judge
to subscribe to
capital stock.

§ 1. That whenever the board of directors of the Carlisle and Jackstown Turnpike Road Company, Upper Route, shall make proof, in open court, before the presiding judge of the Nicholas county court, that three miles or more of said road have been completed, and are ready for travel, it shall be the duty of said judge to subscribe for and on behalf of Nicholas county to the capital stock of said company, stock to the amount of one thousand dollars for each mile of said road for its entire length; and it shall be the duty of said judge, a majority of the justices of Nicholas county present and voting concurring with him, to levy an ad valorem tax on the real and personal property of Nicholas county subject to taxation for revenue purposes, sufficient to pay the subscription of stock for said three miles or more, which the proof may show to be completed; and it shall be the duty of said judge, a majority of said justices present and voting concurring as aforesaid, to levy, at any time after the present year 1876, whenever proof shall be made as aforesaid, that

May levy an
ad valorem tax.

the remainder of said road is completed and ready for travel, 1876.
a tax on the real and personal property of said county which may then be taxable for revenue purposes, sufficient to pay said subscription of stock, at one thousand dollars per mile for said remainder of said road.

§ 2. It shall be the duty of the sheriff of said county to collect and account for each levy of said tax according to law; and he shall collect each levy as soon as possible after it shall have been made, and his compensation therefor shall be the same as now allowed for collecting the State tax. The levy shall be sufficient to raise the amount necessary to pay said subscription and the commission of the sheriff for collecting the same, on his commission; shall be provided for at the court of claims. Sheriff to collect levy.

§ 3. The sheriff shall pay each levy of said tax, as fast as collected by him, to the president of said company, whose receipt shall be a voucher to the sheriff in his settlement showing his disbursement of said taxes, which settlement shall be made with said county judge, and filed in the Nicholas county court clerk's office. Sheriff to pay same when collected to president of company.

§ 4. That upon the completion of three continuous miles of said road next to and beginning at Carlisle, said company shall have the right to erect a toll-gate, at some point between Carlisle and the road leading from said Upper Route road, by way of Wm. Park's, to the Lower Route pike, and to charge tolls at the same rate as now fixed by the General Statutes. May establish a toll-gate.

§ 5. It shall be the duty of said board of directors to apply said tax, when collected, first to the payment of any existing debts against said company, and the balance to the completion of the road. How tax when collected to be applied.

§ 6. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 7. This act to take effect from and after its passage.

Approved March 14, 1876.

1876.

CHAPTER 707.

AN ACT to amend the charter of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

City council
empowered to
levy tax.

§ 1. That the city council of Newport, in Campbell county, Kentucky, shall have power and authority, from and after the passage of this act, to (include the year 1876) assess, levy, and collect a tax not exceeding one dollar and seventy-five cents upon the one hundred dollars of valuation of property in said city.

20 cents on the
\$100 to be paid
school board.

§ 2. That in said assessment, levy, and collection not more than twenty cents upon the one hundred dollars of taxable property in said city shall be collected and paid to the trustees of the school board for the support of common schools, which sum of twenty cents on the one hundred dollars of its valuation of taxable property shall be included in and form part of the one dollar and seventy-five cents of taxation herein provided for.

5 cents upon
\$100 valuation as
a sinking fund.

§ 3. That of the said sum of one dollar and seventy-five cents of levy, assessment, and tax herein provided for, five cents on each one hundred dollars of valuation shall be set apart and deposited with the treasurer of said city each year, who shall be custodian of the fund, and shall be by him retained as a sinking fund for the payment of the interest and principal of the public debt of the city of Newport contracted prior to the passage of this act. The said treasurer shall execute a bond as custodian of the sinking fund in the sum of ten thousand dollars, with two or more securities, to be approved by the commissioners of the sinking fund, for the faithful performance of his duties; and any payment of any portion of said fund to any other purpose than the payment of the interest on, and principal of, the debt of said city created prior to the passage of this act, shall be deemed a felony, and be punishable by fine and imprisonment in the State's prison, in the discretion of a jury.

Treasurer to ex-
ecute bond.

Board of sink-
ing fund commis-
sioners created.

§ 4. The president of the council, the city clerk, and the city attorney of said city, and their successors in office, are hereby created, *ex officio*, a board of sinking fund commissioners, and on their joint order alone shall said fund be loaned out or paid in liquidation of the public debt existing prior to the passage of this act or its interest.

§ 5. Before this act shall take effect, the city council of Newport shall provide for and direct a general election, in such manner as elections are now provided for in said city, and the questions be propounded to each voter, "Are you in favor of the increase of taxation?" and "Are you in favor of the reduction of the school assessment to twenty cents on the one hundred dollars of valuation of taxable property?" and if a majority of those voting at said election shall vote in favor of both or either of said amendments, then both or either of the same as shall have a majority of all the votes cast at said election, shall be deemed adopted as amendments to said charter, but not otherwise.

1876.

Election to be
ordered on adop-
tion of amend-
ments.

§ 6. This act, subject to the above provisions and limitations, shall take effect from and after its passage.

Approved March 14, 1876.

CHAPTER 708.

AN ACT incorporating the town of Rocky Hill, Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Rocky Hill, in the county of Edmonson, be, and is hereby, incorporated, and that the town limits shall be one half mile square, with the depot of the Louisville and Nashville Railroad as the center; and it shall be the duty of the trustees hereafter appointed to cause a complete map of said town to be made out and recorded in the county court clerk's office of Edmonson county, embracing the above described territory, with the metes and bounds of the same.

Boundary.

Map to be made
out and recorded.

§ 2. That R. T. Hudson, S. Turner, R. A. Crump, Perry Moore, and L. J. Procter, be, and they are hereby, appointed trustees of said town, who shall hold their office until the first Saturday in June, 1876, at which time, and annually thereafter on the same day thereafter, there shall be an election held by the qualified voters of said town, for five town trustees, to serve for one year, and until their successors are duly elected and qualified; and said trustees shall, before entering upon the duties of their office, take an oath before a justice of the peace to faithfully and honestly discharge their duties.

Trustees.

Election of trus-
tees to be held
annually.

1876.

Trustees to
elect presiding of-
ficer.

Body-politic
and corporate.

§ 3. Said trustees shall elect one of their number as a pre-
siding officer, who shall have the casting vote in case of a tie.
Said trustees, and their successors in office, shall be a body-
politic and corporate, and shall be known as the trustees of
the town of Rocky Hill; and by that name shall be capable
of contracting and being contracted with, suing and being
sued, of pleading and being impleaded, in all the courts of
this Commonwealth.

May make po-
lice regulations.
Proviso.

May levy and
collect tax.

May appoint
officers.

§ 4. Said trustees shall make such police regulations
as they may deem proper, and enact such ordinances as
they in their discretion may think best: *Provided*, The same
do not conflict in any way with the Constitution of the
United States or of the Commonwealth of Kentucky. They
may levy and collect a tax of not exceeding twenty-five cents
on the one hundred dollars of valuation on all property em-
braced in the limits above described. They may appoint
such clerks, assessors, and other officers as may be necessary
to carry out the provisions of this charter; and may expend
the revenue created by this act, in their discretion, for the
benefit of said corporation.

Police judge—
how elected.

His jurisdiction.

§ 5. There shall be elected, on the first Saturday in May,
1876, and every two years thereafter, a police judge and town
marshal for said town of Rocky Hill, who shall serve until
their successors are elected and qualified, whose jurisdiction
shall be the same as justices of the peace and constables of
the State of Kentucky and said county of Edmonson. The
police judge shall be commissioned by the Governor; the
town marshal shall give bond and qualify in the Edmonson
county court. The police judge shall have exclusive juris-
diction, subject to appeal, of all violations of the town ordi-
nances and by-laws, unless objected to for good cause shown;
and said police judge and town marshal shall have, and are
hereby allowed, the same fees as justices of the peace and con-
stables for their services in similar cases.

Shall reside
within corporate
limits.

Oath.

Marshal to ex-
ecute bond.

§ 6. That said police judge and marshal shall reside and
keep their office within the corporate limits of said town; and
before they enter upon the duties of their office, they shall
take the same oath as justices of the peace and constables
are required by law to take; and the marshal, at the first
term after he receives his certificate of election of the Edmon-
son county court, shall enter into bond, with good security,

payable to the Commonwealth of Kentucky, conditioned to discharge faithfully and impartially all the duties required of him by law, and may be sued upon, from time to time, by any person feeling himself aggrieved; said bond shall be kept and filed away in the county court clerk's office of Edmonson county.

1876.

§ 7. The marshal shall collect all taxes named in this act, with the fines and forfeitures imposed by said judge, and pay the same over to the trustees of said town, to be applied as directed in the fourth section of this act.

Collect all taxes, &c.

§ 8. There shall be a quarterly term of said police court, to be begun on the second Mondays in the months of May, August, November, and February in each year, and held as many days as the business of the court may require; but the court may be held at any time for the trial of criminal cases, and cases for the breaches of the town ordinances; and said court shall have concurrent original jurisdiction with the justices of the peace of Edmonson county in the justices' district in which said town is situated in all civil cases and proceedings.

Police court to be held quarterly.

Criminal cases to be heard at any time.

§ 9. That the election for police judge and town marshal shall be held and conducted in the same manner as elections for trustees as provided in this charter, and the voters shall possess the same qualifications as therein contained.

Election for police judge and town marshal—how held.

§ 10. It shall be the duty of the trustees of said town to keep the streets, alleys, and sidewalks of said town in good repair; and upon failure to keep the same in good repair, they may be indicted and fined as surveyors of roads are now indicted and fined; and the citizens of said town are hereby exempted from working on public roads outside of the corporate limits of said town.

Trustees to keep streets, &c., in repair.

Penalty.

§ 11. That the trustees of said town shall have the power to levy and collect a tax of not exceeding one hundred dollars on each hotel-keeper, coffee-house keeper, or other vendor of spirituous or malt liquors within the corporate limits of said town; and that before said board of trustees shall grant any hotel-keeper, coffee-house keeper, or other person a license, a majority of a full board of all the trustees authorized or required to act, or to be elected or appointed to for said town, shall concur in granting said license.

May levy and collect tax on hotel-keepers, &c.

§ 12. That before the county court of Edmonson county shall be authorized to grant a license, or privilege to any

County court to grant license upon authority of trustees.

1876. tavern keeper or other person, to sell, give, or retail any distilled spirituous liquor in said town, a majority of a full board as aforesaid of said trustees, shall, in writing signed by each, authorize and request the same to be granted.

§ 13. That this act shall take effect from its passage.

Approved March 14, 1876.

CHAPTER 709.

AN ACT to incorporate the Henderson Female College, of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hon. Archibald Dixon, John H. Barrett, David Clark, Jackson McClain, L. C. Dallam, John E. McCallister, and E. L. Starling, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of the Henderson Female College; and by that name the said corporation shall have perpetual succession, with power to make contracts, to sue and be sued, as a natural person; and may have and use a seal, and alter the same at pleasure; to make all necessary by-laws and regulations for the government of the corporation and the management of its business, not inconsistent with the laws of this State or of the United States.

§ 2. The said corporation shall have power to purchase, lease, or otherwise acquire any real or personal estate, and to hold the same in fee simple or otherwise, and to sell, convey, or otherwise dispose of the same, or any part thereof, at any time, and in any manner, as a majority of their board of directors may determine.

§ 3. The said corporation may borrow money, but not in excess of its capital stock subscribed, and may secure the same by mortgage on its real or personal property, or by pledge of its stock, or it may, by vote of not less than three fourths of its directors, issue bonds not exceeding in the aggregate amount the sum of fifty thousand dollars; said bonds may be issued in any denomination not exceeding one thousand dollars nor less than five hundred dollars, falling due at any time not more than twenty years from their date, and bearing interest, payable semi-annually, at any rate not exceeding ten per cent. per annum. Said bonds shall be signed

by the president of the corporation, and countersigned by its secretary; and the principal when due, and the interest as it matures, shall be payable at the Henderson Branch of the Farmers' Bank of Kentucky, at Henderson, Kentucky. The said bonds, when issued, shall operate as and be a first mortgage and lien upon all of the real estate of said corporation, and upon all policies of insurance upon its property. 1876.

§ 4. The capital stock of said corporation shall be seventy-five thousand dollars, to be divided into shares of one hundred dollars each; but a majority in interest of the stockholders may increase said capital stock to any sum not exceeding two hundred thousand dollars. The shares of said stock shall be personal estate, and be transferable on the books of the corporation in such manner as may be provided by its by-laws; but the corporation shall have a lien upon the shares of any stockholder who may be indebted to the corporation, and such shares shall not be transferred, without the consent of the president and directors, until such debt shall be paid or discharged. Each share of said stock shall entitle the holder to one vote at all elections of directors, and at all meetings of the stockholders. No stockholder shall be individually liable for any debts or engagements of the said corporation. Capital stock.

May increase same.

§ 5. The corporators herein named, or such of them as a majority thereof may appoint, shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying the same; and when not less than forty thousand dollars shall have been actually paid, or secured to be paid, on account of subscriptions to said capital stock, the said corporation may be organized and proceed to the transaction of its business; and the said commissioners shall have full power and authority to purchase grounds for the erection of college buildings, and to contract for the erection of buildings thereon, or they may add to, or make any change or alteration in, buildings that may be already effected on the ground selected and purchased by said commissioners for said college. Corporators to act as commissioners.

§ 6. The business of said corporation shall be conducted by a board of not less than five nor more than nine directors, who shall elect one of their number president; and the said board may elect such secretary, treasurer, and other officers Board of directors to conduct business.

1876.

Corporators to
compose first
board of directors

Board to be
elected annually.

Must be stock-
holder.

Vacancies—how
filled.

Objects of cor-
poration.

Dividends to be
paid stockholders

as the business of the corporation may require. The persons herein named as corporators shall compose the first board of directors, who shall organize by choosing one of their number president, and hold their office for one year after their said organization, when, and each year thereafter, there shall be elected, by the stockholders, a new board. No person shall at any time be president or director in said corporation who does not own at least one share of the capital stock thereof. All vacancies in said board shall be filled by the remaining directors; and the president and directors shall always hold their offices and serve until their successors are duly qualified. The time and manner of the election of the president, directors, and other officers; the number of directors composing said board, and the number necessary to constitute a quorum for the transaction of business, shall be fixed by the by-laws, subject to the limitations and restrictions therein provided.

§ 7. The business of said corporation shall be to establish and maintain, in the city of Henderson, Kentucky, a seminary for the education of young ladies; and the said corporation may, by its board of directors, prescribe the course of study, the terms of tuition, and such other matters as pertain to the object of the corporation; and may employ such principal, assistants, and teachers as they may deem expedient.

§ 8. The said directors may, from time to time, declare and pay to the stockholders, in proportion to their stock respectively, dividends out of the profits of the business of said corporation.

§ 9. This act shall take effect from and after its passage.

Approved March 14, 1876.

CHAPTER 710.

AN ACT to incorporate the Bank of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body-politic
and corporate.
Name.

Powers.

§ 1. That there is hereby created and established in Cynthiana, Harrison county, Kentucky, a deposit bank, which shall be a body-politic and corporate, by the name of the Bank of Cynthiana; and shall have power and authority by that name to contract and be contracted with, to sue and be

sued, in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at pleasure; and may loan money at any rate of interest not exceeding the legal rate, discount promissory notes, buy and sell stock and bonds, buy and sell exchange, and deal on other securities; and may acquire and hold and deal in such real and personal property, goods and chattels, as may be necessary to the transaction of its business, or which may be pledged to it as security for any judgment, debt, or decree; and all negotiable promissory notes and inland bills of exchange which may be discounted or purchased by it shall be, and are hereby, put upon the footing of foreign bills of exchange, and a like remedy may be had thereon, jointly and severally, against the maker, drawer, indorser, or other persons thereto.

1876.

§ 2. That the capital stock of said bank shall not be less than one hundred thousand dollars nor more than three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be paid in such calls as may be made by the board of directors hereinafter named.

Capital stock.

§ 3. That the property, business, and affairs of said bank shall be under the management, government, and control of a board of five directors, who shall be stockholders therein, and one of whom shall be elected president; and that Henry E. Shawhan, P. Kirkley, John McKee, A. H. Ward, and T. J. Megibben, directors of the National Bank of Cynthiana, or their successors in office, are hereby constituted a board of directors, to serve as such until others are duly elected and qualified as hereinafter provided; and should any of the persons above named fail or refuse to qualify as directors, his or their place may be declared vacant, and the vacancy may be filled by appointment by the remaining members of the board; and all vacancies occurring in the board by death or resignation may be filled by a vote of the remaining directory. The board of directors of said bank, as herein appointed, are hereby authorized and empowered to receive subscriptions to the capital stock of said bank, and to organize same as herein provided, and to manage and conduct same, and to enact and put in force such rules, regulations, and by-laws as they may deem expedient, not inconsistent with the laws of this Commonwealth, and may alter, amend, and repeal same at will,

Board of directors to control affairs of bank.

Directors.

Vacancy—how filled.

May receive subscriptions to stock.

May make by-laws.

1876.

Appoint officers.

Election—when held.

and specify the number of directors necessary to constitute a quorum for the transaction of business; may regulate the sale of interest, not exceeding the legal rate, and may collect same as advance, declare and pay dividends, appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and may pay them such sums for their services as may be agreed on; and it shall be the duty of the directors to provide for an election on the first Thursday in January ensuing of the organization of the company, and every first Thursday in January of every year thereafter, to be held at the office of said bank; and said election shall be held and conducted by three persons appointed by the board of directors; and the five stockholders receiving the highest number of votes shall be declared elected for the ensuing year, or until their successors are duly elected and qualified; and at this and all other elections held by stockholders each stockholder is entitled to cast one vote for every share he or she may own up to one hundred votes, and may cast the same in person or by proxy.

When bank may proceed to business.

§ 4. That when as many as one thousand shares have been subscribed and paid in to the directors above mentioned, or their successors, and when they shall have organized as herein provided, and an affidavit to that effect has been made by the president of the board before the clerk of Harrison county, or any notary of said county, said bank may proceed to transact a general banking and financial business.

Stock personal property.

§ 5. That the stock of said bank shall be considered personal property, and shall be transferable only on the books of the said bank in accordance with such rules as the board of directors shall, from time to time, prescribe.

Penalty for malfeasance in office.

§ 6. That if any officer of said bank shall wrongly appropriate any funds thereof to his own use, or shall willfully or knowingly make, or cause to be made, any false entry on the books of said bank, with the intent to defraud or cheat the corporation or other persons, such officer shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than ten years.

Indebtedness not to exceed cash paid on capital.

§ 7. The indebtedness of said corporation, over and above that incurred for deposits, shall at no time exceed its cash paid in capital.

§ 8. No certificate of stock shall be issued by said bank unless the same shall have been subscribed for on books provided for that purpose and actually paid in.

1876.

Certificate of stock—how issued.

§ 9. That this act shall take effect from its passage, and remain in force for thirty years from the date of the organization of said bank, provided it be organized within two years.

When this act takes effect.

Proviso.

§ 10. The General Assembly shall have the right to examine into the affairs of said corporation by any committee they may appoint for that purpose, and hereby reserves the right to repeal, alter, or amend this charter at pleasure.

Right to repeal reserved.

Approved March 14, 1876.

CHAPTER 711.

AN ACT to incorporate the National Grange of the Patrons of Husbandry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John T. Jones, D. Wyatt Aiken, Edward R. Shankland, Dudley T. Chase, Alonzo Golder, Wm. H. Chambers, Oliver H. Kelly, John R. Thompson, A. B. Grosh, John Trimble, jr., F. M. McDowell, Dudley W. Adams, William M. Ireland, and D. A. Robertson, their associates and successors, are hereby created a body-corporate and politic, by the name of the National Grange of the Patrons of Husbandry; and by that name shall have power to purchase, hold, and grant real, and personal, and minor estate, and shall have perpetual succession; and by said corporate name shall have power to make contracts, sue and be sued; and may have and use a common seal, with power to alter it at pleasure.

Corporators.

Body-politic and corporate.
Name and style.

Powers.

§ 2. The object of the corporation hereby created is the promotion of agricultural and other kindred pursuits, by inducing co-operation among farmers, and those alike interested, for their mutual benefit and improvement; and to this end, to act as the controlling body of the order known as the "Patrons of Husbandry," an order organized in the United States for the purposes aforesaid.

Object of corporation.

§ 3. That the organization of the Patrons of Husbandry shall be and remain as now existing, until otherwise changed or modified according to the rules and regulations of said order.

1876.

§ 4. That the constitution of the order of Patrons of Husbandry shall be and remain the constitution of said order, until otherwise amended or altered in the mode provided in said instrument.

By-laws.

§ 5. That the present by-laws of the National Grange shall constitute the by-laws of the corporation hereby created, subject to be altered and amended as provided in the same.

Amendments.

§ 6. That any amendments made to said constitution and by-laws shall conform to the Constitution of the United States and of this State, otherwise they shall be null and void.

Meetings—where held.

§ 7. That the said National Grange of the Patrons of Husbandry may hold its annual or called meetings in any of the States or Territories of the United States, and the proceedings of such meetings shall have the same force and effect in this State as if said meetings were held and proceedings had in this State.

Where it may transact business

§ 8. That said corporation may transact any of its legitimate business in other State or Territory of the United States, not inconsistent with the Constitution or laws of such State or Territory.

Names of executive officers.

§ 9. The following members are named as the present executive officers of the National Grange hereby incorporated: John T. Jones, of Barton, Arkansas, Master; O. H. Kelley, of Louisville, Kentucky, Secretary; F. M. McDowell, of Wayne, New York, Treasurer; D. Wyatt Aiken, of Cokesbury, South Carolina, E. R. Shankland, of Dubuque, Iowa, Dudley T. Chase, of Claremont, New Hampshire, Alonzo Golder, of Rock Falls, Illinois, W. H. Chambers, of Oswiechiee, Alabama, members of the Executive Committee.

§ 10. That this act shall take effect from the date of its passage.

Approved March 14, 1876.

CHAPTER 712.

AN ACT to regulate the road law of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court to appoint commissioners.

§ 1. That the county court of Kenton county shall appoint three commissioners, whose duty it shall be to divide all the

roads in said county into precincts, first being sworn to faithfully discharge the duties assigned them under this act. They shall fix their own time for convening and adjourning, and will continue from day to day until the work is completed. They shall make out a report in writing, which shall be recorded in the office of the county court clerk in a book to be kept for that purpose. Said precincts shall be numbered and indexed, under the name of the overseer and the number of the precinct. Whenever an application shall be made to the county court for a change in any one of the precincts, it shall be the duty of the county court to summon the overseer whose precincts are to be affected by said change, to appear before said court at the next term of said court. The court shall hear their testimony, and any additional proof that may be adduced as to the necessity for said change. If a change shall be made, it shall be the duty of the clerk of said court to enter the order making said change in the road-book, a copy of which or copies thereof shall be made out by the clerk, within five days after said change has been made, and delivered to the sheriff of said court, who shall deliver a copy of the order to each of the overseers whose districts have been altered, and make his return thereon, which shall be filed in the clerk's office of said county court. Said return shall be made on or before the next term of the county court held after said order has been delivered to the sheriff.

1876.

Their duties.

Duty of county court on application for change in a precinct.

Also duty of county clerk.

§ 2. The surveyor shall list and assess for work all persons who shall move into the precinct, and who has not worked out his time or tax on some other road in Kentucky; and said person or persons shall be liable in all respects to work out or pay the tax assessed against him, unless he shall produce the receipt of the overseer under whom he claims to have worked out said time or tax.

Surveyor to list and assess all persons, &c.

§ 3. The tax on the assessed value of land shall be six cents for every one hundred dollars. The person occupying the land subject to taxes shall be liable for the taxes due on said land to the extent of his indebtedness to the owner of land for his rent: *Provided*, He or she have notice of the tax before payment of the rent to the landlord; and such payment shall be obligatory on the owner of the property. The overseer shall have the power to expend the amount of tax assessed on the road in his district.

Tax on value of land.

Proviso.

1876.

Failure of person liable for tax to attend; &c.

May be sued

Proviso.

Surveyor's fee.

Poll-tax.

Commissioner's compensation—how allowed.

§ 4. If any person, liable for the tax under the road law of Kenton county, after being notified, does not attend, with proper tools, either by himself or substitute, and labor as required by the road law, under the direction of the surveyor, without a reasonable excuse, the surveyor is authorized to sue for the same, in the name of the Commonwealth of Kentucky, before any justice of the peace for said county, either in or out of term time: *Provided*, The summons has been executed five days before the trial. The surveyor is a competent witness to prove the service of notice, which may be either verbal or written, or can be proceeded against by the surveyor, in the name of the Commonwealth, by going before a justice of the peace, and making oath to the amount of tax dues, and take out a distress warrant, and distrain the personal estate of the person or persons owing, including interest and cost, without regard to the exemption laws of this State. The surveyor shall be entitled to one dollar per day for each day he shall be engaged in notifying the hands, but not to exceed ten dollars in any one year, the same to be paid out of any fund belonging to the road district of which he is overseer.

§ 5. The poll-tax shall be one dollar and twenty-five cents per day.

§ 6. The commissioners herein shall receive a reasonable compensation for their services, which shall be allowed at the regular court of claims in October next after said work has been done.

§ 7. That all local road laws heretofore passed for Kenton county are hereby repealed; and this act shall take effect from its passage.

Approved March 14, 1876.

CHAPTER 713.

AN ACT for the benefit of Perry A. Cline, sheriff of Pike county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Perry A. Cline, sheriff of Pike county, shall have till July 1st, 1876, to pay into the Treasury the revenue of Pike county for the year 1875: *Providing*, The sureties of said sheriff on his revenue bond for the year 1875 shall enter their

consent in the Pike county court, at its April term, 1876, and shall consent to remain bound in said bond, in writing, in the clerk's office of the county court of Pike county.

1876.

§ 2. That in making the settlement with said sheriff for the year 1875, the Auditor is hereby directed to give said sheriff a credit for any delinquent list or exonerations that shall be allowed by the Pike county court at its next May term.

§ 3. This act shall take effect on its passage.

Approved March 14, 1876.

CHAPTER 714.

AN ACT to amend and reduce into one the several acts in relation to the town of New Castle, Henry county.

ARTICLE I.

Town Boundary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the different acts and existing laws in relation to the town of New Castle be, and the same are hereby, so amended that the said town of New Castle, in the county of Henry, as laid off and described in a plat, and the additions now of record in the county court clerk's office of Henry county, is hereby declared to be the limits and extent of said town; that the inhabitants of such boundary be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, by the name of the town of New Castle, and to have a corporate seal.

Boundary of town.

Created a body-politic.

ARTICLE II.

§ 1. That the municipal government of said town shall consist of the board of trustees of New Castle, composed of seven persons, one of whom shall, at the first regular meeting of said board of trustees, be by them selected to preside over their meetings, and he shall be styled "Chairman of the Board of Trustees of New Castle."

Officers of town.

§ 2. That the said board of trustees, and their successors, shall be a body-politic and corporate, and shall be known and called by the name and style of the "Board of Trustees of New Castle;" and by that name shall be capable in law, and

Name and style.

1876.

May contract
and be contracted
with.

for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; and of taking, holding, purchasing, leasing, and conveying such personal, real, and mixed estate as the purposes of the town may require, within or without the limits aforesaid; they may or may not have and use a corporate seal.

Municipal af-
fairs vested in
trustees.

§ 3. That all the legislative power and authority of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of the same, shall be vested in said board of trustees.

Other officers
of the town.

§ 4. That the other officers of said town shall be as follows: a police judge, an attorney, a clerk, a treasurer, a marshal, an assessor, a collector, and such other officers as the board of trustees may, from time to time, direct and appoint.

Annual election
held.

§ 5. That an election shall be held in said town on the first Saturday in April in each year, at such place as the board of trustees may appoint, and of which six days' previous public notice shall be given in written or printed notices, posted in three public places in said town by the town clerk.

Who to be elected

§ 6. That at the annual election there shall be elected by the qualified voters of said town seven trustees, one police judge, one marshal, and one attorney, for the town; and the person or persons receiving the highest number of votes in the whole town for either of such offices shall be declared elected.

Term of office.

§ 7. That the officers elected by the people under this act shall respectively hold their offices for one year, and until their successors are elected and qualified respectively. All other officers mentioned in this act, and not otherwise specifically provided for, may be appointed by the board of trustees at the first regular meeting thereof after the annual election, or as soon thereafter as may be; and respectively continue in office one year, and until the appointment and qualification of their successors; but the board of trustees may appoint day and night watchmen, policemen, or firemen, to continue in office during the pleasure of the board of trustees. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their suc-

Other officers
may be appoint-
ed.

cessors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may forthwith order a new election.

1876.

§ 8. That every person appointed to any office by the board of trustees, or elected to any office by the people, may be removed from such office by a vote of a majority of all the trustees; but no officer who is elected by the people shall be removed except for cause, nor unless first furnished with the charges, and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses, and the production of papers, when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

Officers may be removed.

Proceedings for removal of officer elected by the people.

§ 9. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise, of any officer elected by the people, such vacancy shall be filled by a new election, within ten days after the happening of such vacancy. Any vacancy occurring by the death, removal, resignation, or otherwise, of any officer appointed by the board of trustees, may be filled by appointment by the board of trustees.

Vacancies—how filled.

§ 10. That all free male citizens of the United States who are entitled to vote for town officers elective by the people under this act, shall be qualified to hold any office created by this act, except as is hereinafter in this act provided; but no person shall be eligible to hold any office created by this act, or any other act in relation to said town, who is now, or who may be hereafter, a defaulter to said town, or who, being a collector or keeper of the corporation funds, has not settled with the board of trustees of said town, and obtained a quietus; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for ten days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come to his hands; nor shall any liquor dealer in said town be eligible for town marshal or trustee.

Qualification of officers.

§ 11. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot, in such manner as the board of trustees may direct, and in the presence of the board of trustees and at least three other persons.

In case of tie vote.

1876.

Officers of elec-
tion to be ap-
pointed.

§ 12. That the board of trustees shall, before every town election, appoint suitable persons as officers of election, two persons as judges, one as sheriff, and one as clerk, and if practicable, the officers shall be selected in equal numbers from the principal parties; but no person who is a candidate for election to any of the offices which is to be voted for in said election shall be an officer of said election. Officers of town elections shall perform similar services, and be entitled to like pay, as officers at State elections, and shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of this Commonwealth.

Hours of election

§ 13. That all elections by the qualified voters of the town shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

Illegal voting.

§ 14. That all laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the town of New Castle for any officer, subject, however, to all the provisions of this act touching the qualifications of voters.

Trustees to
judge of its mem-
bers, &c.

§ 15. That the board of trustees shall judge of the qualifications, elections, and returns of its members, and cases of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees, under such rules as may be prescribed by the by-laws or ordinances.

Governor to
commission po-
lice judge.

§ 16. That the outgoing town clerk shall, immediately after the election, certify to the Secretary of State the name of the person elected for police judge of said town, and the Governor of this Commonwealth shall issue a commission to said officer.

Poll-books to
be returned to
clerk of town,
who shall com-
pare same and
issue certificates.

§ 17. That the poll-books of all elections in said town shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and compare the same, and issue certificates of election to the officers elected, which certificate shall, before being delivered, be spread on the records of the board of trustees.

Officers to hold
first election —
who to appoint.

§ 18. The officers to hold the first election which may be held under this act shall be appointed by the acting board of trustees of New Castle at the time of such election; and such officers shall be two judges, a clerk, and sheriff of such elec-

tion; and such election shall be conducted in the way and manner prescribed by this act for elections; and the acting clerk of the town at the time such election is held shall certify to the Governor of this State the name of the person who may be elected judge of said town.

1876.

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act shall, before he enters on the duties of his office, take and subscribe before the presiding judge, or the clerk of the Henry county court, or a justice of the peace in and for said county, the oath of office prescribed by the Constitution of this Commonwealth, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

Officers to
take oath.

§ 2. That the chairman of the board of trustees shall preside over the meetings of the board of trustees, and shall take care that the laws of the Commonwealth and the by-laws and ordinances of the town are duly enforced, respected, and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have power to perform the duties of the police judge in all criminal and penal actions, in cases where, from a vacancy in the office of police judge, or from absence, sickness, or other cause, the police judge does not or cannot act; and he shall have the same fees therefor as the police judge is allowed; but he shall account for and pay to the town treasurer all fines or other money received by him in his judicial capacity.

Powers and
duties of chair-
man of board.

§ 3. That in case of a vacancy in the office of chairman, or of his being unable to perform his duties by reason of his temporary or continued absence or sickness, the board of trustees shall appoint one of their number, whose official designation shall be acting chairman; and the trustee so appointed shall be vested with all the powers, and perform all the duties, of chairman, except in regard to acting as police judge, until the chairman shall resume his office or the vacancy be filled by a new election.

In certain cases
acting chairman
may be appoint-
ed.

§ 4. That the clerk shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to

Duties of clerk.

1876. attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts; he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

Duties of town
attorney.

§ 5. That it shall be the duty of the town attorney to perform all professional services incident to the office, and when required, to furnish written opinions upon subjects submitted to him by the board of trustees or its committees.

Duties of treas-
urer.

§ 6. That the treasurer shall receive all money belonging to the town, and keep an accurate account of all receipts and expenditures, in such manner as the board of trustees may direct; all money shall be drawn from the treasury by warrant from the chairman or acting chairman of the board of trustees, and countersigned by the clerk; such warrant shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Shall make
yearly report.

Marshal—his
duties and pow-
ers.

§ 7. That it shall be the duty of the marshal to attend all the sessions of the police court, and to give the town attorney previous notice of any proceeding in that court to which it is his duty to attend; and to attend to the procuring of evidence in cases in which the town or the board of trustees of the town of New Castle is a party; within the limits of the town, in all matters of a criminal nature arising under the by-laws or ordinances of said town, or the laws of this Commonwealth, he shall possess the same powers as sheriffs or constables. He shall execute all process civil or criminal, issued and to him directed by the chairman of the board of trustees, the police judge; the presiding judge of the Henry county court, or any justice of the peace. He shall possess the power and authority of a constable under the statutes of this Commonwealth; and his powers for discharging his duties shall be coextensive with Henry county. He shall be entitled, as compensation, to the same fees allowed by law to sheriffs and constables for similar services, to be collectable

His fees.

in the same manner as sheriffs and constables' fee-bills are; for other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-law or ordinance. He shall be liable in the same cases, way, and manner, and to the same extent, to be prosecuted in the same manner as sheriffs and constables are. He may or may not be appointed collector, but if he is, he shall be required to give, in addition to the marshal's bond, a bond as collector.

1876.

His liabilities.

May or may not be appointed collector.

§ 8. That it shall be the duty of the collector to collect all taxes and assessments which may be levied by the board of trustees, and perform such other duties as may be herein prescribed or required by the board of trustees: *Provided*, That the board of trustees shall have power to require all license money to be paid directly to the treasurer, or to appoint some other than the collector to collect such money.

Duties of collector.

§ 9. That the assessor shall perform all the duties which the board of trustees may by by-law or ordinance prescribe, in relation to the assessing of property for the purpose of levying the taxes imposed by the board of trustees.

Duties of assessor

§ 10. That the board of trustees shall have power, from time to time, and at all times, to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and proscribe the powers and duties of all officers appointed or elected to any office under this act whose duties are not herein specifically mentioned, and fix their compensation.

Trustees may require additional duties of officers.

§ 11. That the police judge, treasurer, collector, and marshal shall severally, before they enter on the duties of their respective offices, execute a bond, payable to the board of trustees of New Castle, in such sum, with such conditions and such sureties, as the board of trustees may approve, conditioned that they will faithfully execute the duties of their respective offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other property that may come to their hands as such officers respectively, which bonds, with the approval of the board of trustees, certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of the Henry county court.

What officers to give bond.

§ 12. That the board of trustees of New Castle, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or

Suit may be brought upon said bonds by parties injured.

1876. motion against the said officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs, or devisees of any or either of them, as now provided by law for sheriffs and constables; and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery until the board of trustees of New Castle and every person aggrieved by the acts or omissions of such officer, shall have been recompensed.

Retiring officer
to hand over
papers and books

§ 13. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects, of every description, in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver.

ARTICLE IV.

Police Court.

Police court
established.

§ 1. That there shall be established in said town a court, to be styled the New Castle Police Court; which shall be held by one judge, to be styled the judge of the New Castle Police Court, who shall be elected as is hereinbefore provided.

Jurisdiction of
same.

§ 2. That the New Castle police court shall have exclusive and original jurisdiction of all prosecutions for violations of the by laws or ordinances of the said town, and concurrent jurisdiction with magistrates, or the judge of the Henry county court, of all pleas of this Commonwealth arising within the limits of the said town. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same, that the circuit courts have like power to take the same, as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of two justices of the peace, or the quarterly judges, as an examining court.

Shall have power
to take recogni-
zances.

Shall have ju-
risdiction in said
town in civil
cases.

May grant in-
junctions, writs
of habeas corpus
&c.

§ 3. That the police judge shall have jurisdiction within said town in all civil cases in which a justice of the peace or the quarterly judge has, or may hereafter by law have jurisdiction, and concurrent with the same; he shall also have power to grant injunctions, restraining orders, writs of *ne exeat* and *habeas corpus*, and under the same rules and regu-

lations prescribed by law authorizing justices of the county court to grant injunctions, &c., and in criminal cases his power and jurisdiction, as an examining court, shall be equal to two justices of the peace, or the quarterly judge. He shall also have jurisdiction in all cases of misdemeanor within said town, and all cases arising out of offenses against the by-laws and ordinances of said town; and in all cases requiring it, shall order the marshal to summons juries, subpoena witnesses, and do all other acts and things which other courts in this Commonwealth may of right do, and which may be proper and necessary to carry into full and complete effect the powers and jurisdiction granted. The police judge shall also be a conservator of the public peace, and shall have power to take recognizances to keep the peace, and of criminals to appear before the Henry county criminal or circuit court at its next succeeding term; the police judge may also order arrests for all offenses against the laws of this Commonwealth or by-laws or ordinances of the town; and for those committed within his presence, may order arrests without warrant, the person to be dealt with according to the laws of this Commonwealth, or the by-laws or ordinances of the town. If he think it necessary, he may detain any person or persons so offending in custody over night (or if such person or persons is or are drunk, until he or they is or are sober) in the county jail or some other safe place; and in order to the more perfect preservation of the peace and dignity of said town of New Castle, he shall have power to suppress indecent annoyances and violations of the good order of the said town in such offenses as night orgies in the streets, running of horses, throwing of stones, firing of guns, ringing of bells, blowing of horns, crying aloud by day or night, blocking of streets, and such other similar offenses as may disturb the order and quietude of the good citizens of the town, by arraignment of said offenders before him, the said judge presiding, and, upon conviction thereof, may order the infliction of such summary penalty as to him, the said police judge, shall seem deserving, without the intervention of jury: *Provided*, The same shall not exceed the sum of twenty dollars in fine, nor ten days imprisonment in the county jail.

1876.

Shall have jurisdiction in all cases of misdemeanor.

Shall be a conservator of the public peace.

May order arrests without warrant.

May hold in custody over night.

Shall have power to suppress disorder and inflict penalty without a jury.

§ 4. That the police court shall be holden at such place as the board of trustees shall designate, or they failing to designate and provide a suitable place, at such place as the judge

When and where court may be held.

1876. may select in said town. The judge shall have power to fix the time of holding court for the trial of criminal or penal cases, as in his discretion the business before him may seem to require.

A court of record § 5. That the police court shall be a court of record, and the judge thereof shall act as clerk; and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

Proceeding in the name of the Commonwealth. § 6. That all proceedings in, and process from, the police court shall be in the name of the Commonwealth of Kentucky. The process shall be made returnable to the police court, and may be directed to the town marshal; but the judge of said court may direct the process to any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the like fees for the like services, and to the like remedy for the collection thereof, as the constables of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines granted to town. § 7. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of New Castle, or those in favor of the board of trustees of New Castle, are hereby granted to the town of New Castle.

Who to collect same. § 8. That all fines and forfeitures recovered in the police court are to be collected by the town marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the treasurer.

Defendant may replevy. § 9. That the defendant shall have the right at any time to replevy, for three months, any judgment, fine, or forfeiture of the police court, or execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

Proceedings in case of return of no property found § 10. That a return of not found on a *capias pro fine*, and of no property found on a writ of *feri facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of New Castle against

the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

1876.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky, or of the town of New Castle, or of the board of trustees of New Castle, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every one dollar of such fine: *Provided*, That the police judge or acting police judge may, in his discretion, assign such defendant so fined to be placed at hard labor upon the streets or alleys of the town, or on any public building in or belonging to the town, or at any other labor for the benefit of the said town, until he shall pay his said fine, and the costs adjudged against him, allowing for his said labor at the rate of one dollar per day. Such defendant shall be under the control of the town marshal, who shall be responsible on his official bond for the escape of such defendant, or in case there is no town marshal, the police judge may appoint some suitable person to take charge of such defendant. The defendant shall not be required to work or labor more than eight hours in any one day; when not at labor such defendant shall be confined in the county jail; and for the purpose of putting such defendant in jail, and taking him out to labor, a certified copy of the judgment of said police judge shall be sufficient authority for the marshal or other officer to the jailer of the county.

Execution may issue against estate of defendant

May place defendant at hard labor for the benefit of town to pay fine.

§ 12. That in all cases in said police court where by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is in whole or in part imprisonment, the police court shall have the power to imprison the person convicted of a violation of said laws, this act, or said by-laws or ordinances, in the Henry county jail for any time, not exceeding twenty days, specified by said laws, this act, or said by-laws or ordinances.

May imprison in certain cases.

§ 13. That appeals shall be from the decision and judgment of the police court to the Henry quarterly court in all cases

Appeal may be taken.

1876.

where the fine exceeds twenty dollars, and is less than fifty dollars, exclusive of costs, and to the Henry circuit court where the fine is fifty dollars or upwards, exclusive of costs; and where the punishment is by imprisonment exceeding ten days, an appeal shall be taken to either the said quarterly or circuit courts. In all cases of appeals, in criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed, before the judge or clerk of the court to which the appeal is taken, a covenant, with good surety, in all respects as required by section three hundred and forty-four of the Criminal Code of Practice.

Courts to be
always open.

§ 14. That the police court shall always be open for hearing and determining such criminal and penal cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

Judge to have
original and con-
current jurisdic-
tion with justices
and quarterly
judge.

§ 15. That the police court shall have original and concurrent jurisdiction with the justices of the peace and quarterly judge of Henry county, in the justices' district in which the town of New Castle is situated, in all civil cases and proceeding; and the time of holding said court for the transaction of civil business shall be fixed by the Henry county court, as is done in the case of justices' courts; and until differently fixed, shall remain as it now is.

Code of Prac-
to regulate pro-
ceedings in this
court.

§ 16. That the provisions of the Criminal Code of Practice regulate the proceedings of said court in penal and criminal cases; and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

Fees of judges.

§ 17. That the fees of said judge, whether acting as judge or clerk, or otherwise, shall be the same, in all cases, as are now, or may hereafter be, given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

ARTICLE V.

General Powers and Duties of the Board of Trustees.

Meeting of trus-
tees.

§ 1. That the board of trustees shall hold stated meetings, and the chairman, or in his absence, the town clerk, may call

1876.

meetings, by notice to each of the members of the board of trustees, either oral or in writing; but if written, such notice must be served personally or left at their usual place of abode. A majority of the members elected as trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the management and control of the finances, and all the property, real, personal, and mixed, belonging to the corporation; and shall have power to contract and be contracted with, for and on behalf of said town; and shall have power to provide for the erection and repair of all public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town, and shall likewise have power within the jurisdiction of said town by by-law or ordinance—

To manage finances, property, &c., of the town.

First. To restrain and prohibit all descriptions of gaming, and fraudulent devices, and all playing of dice, cards, and other games of chance, whereat any thing of value is won or lost.

Prohibit gaming.

Second. To license, tax, regulate, suppress, and prohibit billiard tables, pigeon-hole, jenny lind, and all similar tables, pin-alleys, nine or ten-pin alleys, ball-alleys, and shooting galleries.

Third. To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and other persons or companies, exhibitions of curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Shows.

Fourth. To authorize the clerk of the town to grant and issue license, and direct the manner and time of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year; and not less than five dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents.

Grant license.

Fifth. To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage.

Suppress breach of peace.

Sixth. To suppress and restrain disorderly houses and groceries and houses of ill-fame.

Seventh. To prevent any obscene, indecent, or profane exhibition or conduct, and restrain and punish vagrants and prostitutes.

Obscene exhibitions and vagrants.

1876.

Horses and
swine running at
large.

Eighth. To restrain and regulate or prohibit the running at large of horses and swine, and authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of such animals for a violation of any by-law or ordinances in relation thereto.

Dogs running
at large.

Ninth. To prevent the running at large of dogs, and authorize the destruction of the same, when at large contrary to the by-laws or ordinances.

Watchmen.

Tenth. To appoint watchmen or policemen, and prescribe their duties, powers, and pay.

Hospitals.

Eleventh. To establish a hospital or pest-house, and make regulations for the government of the same, and discontinue the same at pleasure, and do all acts, and make all regulations, which may be necessary or expedient for the preservation of health and the suppression of disease.

Health.

Twelfth. To license and regulate innkeepers, hotel or tavern-keepers, shop-keepers, saloon or coffee-house keepers, grocers, druggists, and keepers of other houses and places for the selling of wines and other liquors, whether ardent, vinous, or malt, and to restrain all such persons from so selling without license.

May make by-
laws, &c.

Thirteenth. That the board of trustees shall have power to make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this Commonwealth, for the good government of the town and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of the said town by this act, and enforce observance of all rules, by-laws, ordinances, police and other regulations made in pursuance of this act, by penalties not to exceed one hundred dollars for any offense against the same. The board of trustees may also enforce such rules, ordinances, by-laws, and police and other regulations, as aforesaid, by punishment of fine and imprisonment, or both, in the county jail, in the discretion of the court before which conviction may be had: *Provided*, Such fine shall not exceed one hundred dollars, exclusive of costs, nor the imprisonment exceed twenty days.

Trustees may
enforce rules, &c.

Exclusive right
to grant license
to keep saloons,
coffee-houses,
&c.

Fourteenth. That the board of trustees of New Castle shall have exclusive power to grant all license for which provision is made by this act. That the amount to be paid for license

to keep a coffee-house or saloon, or to sell ardent spirits or other intoxicating liquors, by the drink or otherwise. in any hotel, tavern, coffee-house, or saloon in said town, for the term of one year, shall be neither more nor less than one hundred dollars; and the amount to be paid for any other license for which provision is made by this act, shall be fixed by said board of trustees. Should the board of trustees of the town of New Castle grant to any person or persons tavern-house license, with the privilege of retailing spirituous, malt, or vinous liquors, or coffee-house license, or the privilege of retailing such liquor in said town, or should grant to any person merchants or distillers' license in said town, such person or persons, before he or they shall have the right to sell under such license, shall produce to the treasurer of the town a certified copy of the order granting such license, and lodge the same with him, and also pay to him, the said treasurer, one hundred dollars for tavern, saloon, or coffee-house license. or the privilege of retailing spirituous liquors, and twenty-five dollars for merchants or distillers' license. If any person or persons shall retail spirituous liquors of any kind within the limits of said town under a license from the board of trustees, without first producing a copy of the order and paying to the town treasurer the amount as aforesaid, he or they shall, each and all, be deemed guilty of retailing liquors without license, or keeping a tippling-house, as the case may be, under the General Statutes, and shall be subject to an indictment in the Henry criminal or circuit court, and fined, as provided in the General Statutes, for the offense of retailing liquors without license, or keeping a tippling house, as the case may be.

Fifteenth. That it shall be unlawful for any tavern-keeper, innkeeper, hotel-keeper, saloon, or coffee-house keeper, or other vendor of spirituous, malt, or vinous liquor, to sell or retail, or give or loan, or permit or suffer to be sold or retailed, or given or loaned, intoxicating liquors of any kind whatever, in any quantity whatever, in such tavern, inn, hotel, saloon, or coffee-house, or adjacent thereto, or within half a mile of the corporate limits of the town of New Castle, or to keep open, or permit or suffer to be kept open, their bars, saloons, coffee-houses, or places for drinking, at any time during any election day for town, district, county, or State officers, between the hours of six o'clock in the morn-

\$100 for license.

Shall pay for
license before
selling.

1876.

1876. ing and seven o'clock in the evening; and any person or persons guilty of a violation of this section shall be subject to a penalty of twenty-five dollars for each offense; and the selling, giving, or loaning of each drink shall be a separate offense; and the opening of any such bar, saloon, or coffee-house, or place for drinking for any length of time, whether any liquor be sold or drunk or not, shall, for each opening, also be a separate offense. The penalty shall be imposed by the police judge, or in his absence or refusal to act, by the county court judge, or any justice of the peace in Henry county, upon a warrant issued by any of such officers, in the name of the Commonwealth of Kentucky against any such offender; the fine in every instance to go to the benefit of the town.

ARTICLE VI.

Taxation.

All fines, &c.,
for the benefit of
the town.

§ 1. That all fines and forfeitures, and all taxes herein affixed and provided for, shall vest in the board of trustees of New Castle, and be collectable by the marshal, and the same shall be appropriated exclusively to the use and benefit of said town, in such manner as the board of trustees may direct.

May take, hold,
and receive real
estate, &c., for
town.

The said board of trustees, and their successors, shall have power to take, and receive and hold, any real, mixed, and personal estate by purchase, bequest, devise, or donation, for the use, benefit, or ornament of said town; and may use, sell, or appropriate any estate, so taken or received, or which is now held, or may have been conveyed to the present board of trustees of the said town of New Castle, in such manner, or upon such terms, as they may deem expedient; but no sale or lease of real estate shall be made except the same be sanctioned by the unanimous vote of said trustees.

May levy and
collect taxes.

§ 2. That the board of trustees of New Castle shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding twenty-five cents on each one hundred dollars' worth of all the real estate in said town, including the improvements on such real estate, and upon all personal estate in said town, and a head or poll-tax upon every male inhabitant of said town over twenty-one years of age, of not exceeding one dollar, and a tax not exceeding one dollar on each dog more than one, that any person may keep, or suffer or permit to be kept, on his or her premises.

Head or poll-
tax.

§ 3. That all farms and other tracts of land, containing ten acres or more, added, in part or in whole, to the town of New Castle by this act, shall be free from tax until the same shall be laid off into lots, containing less than ten acres, for building purposes or for sale: *Provided*, That all dwelling-houses, which are or may be situated upon such farms or other tracts of land, with two acres of ground, to be laid off in a square, so as to include any such dwelling-house in the centre as near as may be, shall be taxed as other town property; and the persons living in such dwelling-houses shall pay poll-tax under this act.

1876.
Farms to be exempt from town tax until laid off into lots.

Dwelling-houses to be taxed.

§ 4. That there shall be exempt from taxation under this act, or for the purposes of said town, all public property belonging to said town, the county of Henry, the State of Kentucky, the United States, any church, college, public school, public seminary of learning, all grounds attached to any such college, church, school, or public seminary, and dedicated to the use thereof, and any cemetery belonging to said town, and household and kitchen furniture, not exceeding two hundred dollars in value, belonging to a bona fide housekeeper with a family.

What property exempt from taxation.

§ 5. That there shall also be exempt from town tax money or currency on hand, debts owing to any person or persons, and also stock in any incorporated company, and any and all bank stock.

ARTICLE VII.

Grading, Paving, and Improving Streets, &c.

§ 1. That the board of trustees shall have power to grade, pave, improve, protect, and ornament any public square or ground now or hereafter laid out.

May grade and improve streets.

§ 2. That the owners in front of, or upon whose premises the board of trustees shall order and direct curbing or sidewalks to be constructed, repaired, or relaid, shall make, repair, or relay such curbing or sidewalks at their own cost and expense, and in the manner, with the material, and in the time prescribed by said board of trustees by ordinance or otherwise; and if not done in the manner, with the material, and within the time prescribed, the board of trustees may cause the same to be constructed, repaired, or relaid, and assess the expenses thereof, and collect the same by warrant and sale of the premises, as in the case of taxes; a suit may

And compel owners of lots to have same done.

1876.

Owners not
compelled to
make sidewalks
until streets are
macadamized.

also be maintained by the board of trustees against such owner or owners for the expenses of such improvements: *Provided*, That no person shall be required to make a sidewalk in front of his or her premises until after the street in front of such premises shall have been macadamized at the expense of the town, nor until curbing for such sidewalk has been made by said town.

§ 3. That the board of trustees shall have power by ordinance to prescribe the form of assessment rolls, and prescribe the duties and define the powers of assessors; and to make such rules and give such directions in relation to attending, revising, or adding to the rolls, as they may deem proper.

When the as-
sessment rolls
shall be returned.

Omissions may
be supplied.

§ 4. That the annual assessment rolls shall be returned by the assessor on or before the first day of May in each year; but the time may be extended by order of the board of trustees. The board of trustees shall have power to supply omissions in said assessment rolls; and for the purpose of equalizing the same, to alter, add to, take from, or otherwise correct and revise the same.

When corrected
to be entered by
clerk.

§ 5. That when the assessment roll shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk; the board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amounts authorized by this act, and direct the collector to collect the same.

Taxes a lien
upon property
assessed.

§ 6. That all taxes and assessments, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be imposed, voted, or assessed until such tax shall be paid; and no sale or transfer of real estate shall affect the lien thereon. Any personal estate belonging to the debtor may be taken for the payment of taxes, and sold by the collector, after ten days' public notice of such sale, posted up at four public places in said town.

Collector's fees.

§ 7. That the collector shall be allowed such fees for selling and collecting as the board of trustees shall prescribe. The clerk shall keep a record of such sales, which shall be open to inspection at all times.

Right of re-
demption.

§ 8. That the right of redemption in all cases of sales of real estate for taxes or assessments shall exist to the owner or

his heirs for the period of three years from the day of sale, on payment of the amount for which the same was sold, and twenty-five per cent. added, and all the taxes accruing subsequent to the sale. If not redeemed, the board of trustees shall, upon the return of the certificate of sale, or proof of its loss, direct the collector or his successor to execute a deed to the purchaser, conveying to such purchaser the premises so sold and unredeemed as aforesaid.

1876.

§ 9. That the members of the board of trustees shall receive no pay for their official services.

Trustees receive no pay.

§ 10. That it shall be the duty of the board of trustees at all times to keep the streets, alleys, and lanes in said town in good order and condition, and for every failure so to do, they shall, upon indictment and conviction in the Henry circuit court or criminal court, forfeit and pay for the use of said town not less than twenty-five nor more than fifty dollars, and such fine shall be paid by the members of the board of trustees out of their individual estates, share and share alike.

To keep streets and alleys in repair.

§ 11. All ordinances, regulations, or by-laws now in force in said town, and not inconsistent with this act, shall remain in full force under this act until altered or repealed by the board of trustees after this act shall take effect.

Ordinances now in force not inconsistent with this act to remain

§ 12. That all property, real, personal, or mixed, belonging to the town of New Castle, or the board of trustees of New Castle, is hereby vested in the said board of trustees; and the officers of said town now in office shall respectively remain and continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act.

Property of the town vested in trustees.

§ 13. That this act shall not invalidate any legal act done by the board of trustees of New Castle, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to, or been created by, said corporation prior to the passage of this act.

This act not to invalidate acts of former trustees.

§ 14. That all acts or parts of acts in relation to the town of New Castle, heretofore enacted by the General Assembly of the Commonwealth of Kentucky, are hereby repealed; and this act may at any time be repealed, altered, or modified by the General Assembly of Kentucky.

§ 15. This act shall take effect in twenty days after its passage.

Approved March 14, 1876.

1876.

CHAPTER 715.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sale of fresh
meat prohibited
within certain
limits.
Proviso.

§ 1. That it shall be unlawful for any person or persons to sell, vend, trade, or dispose of fresh meats within four squares of any established or incorporated market-house or market-houses in the city of Louisville: *Provided, however,* This act shall in no way interfere with or prohibit the doing of any of the business aforesaid in said market-house or market-houses.

Penalty.

§ 2. Any person or persons shall, for a violation of any of the provisions of this act, be fined in a sum of not less than ten dollars or more than twenty dollars for each offense: *Provided, however,* That the provisions of this act shall not apply when fresh meats are sold in a house or green grocery.

Proviso.

§ 3. All laws in conflict with this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 716.

AN ACT for the benefit of the Louisville Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville Water Company is hereby authorized and empowered to retire all of its outstanding first mortgage bonds, and in lieu thereof shall have, and is hereby vested with authority, to issue the bonds of said company, not exceeding fifteen hundred thousand dollars in amount, in denominations of one thousand dollars each, payable in not less than twenty nor more than forty years after date, with coupons attached thereto, bearing interest of not less than six nor more than seven per cent. per annum, payable semi-annually; and may execute a mortgage on the property, rights, franchises, and income of said company, to secure the payment of the same: *Provided, however,* That the consent of the city of Louisville, by ordinance or resolution of the general council, is first obtained by reason of a resolution of the general council of said city of Louisville, approved June 18th,

1867, as authorized by an act of the General Assembly of the Commonwealth of Kentucky, approved February 28th, 1867, and a covenant between the city of Louisville and said Louisville Water Company, under date of September 2d, 1867. 1876

§ 5. This act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 717.

AN ACT to establish a graded school in the town of Butler, Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said common school district be, and the same is hereby, organized under chapter eighteen, article second, of the General Statutes of Kentucky, for the purpose of conducting and carrying on a graded school in said district, to be known as the Butler Graded School. Organized under chapter 18, article 2, of General Statutes.

§ 2. That the provisions of said article second shall be in force in the organization and conduct of said school district, except as they may be inconsistent with the following provisions:

§ 3. That the qualified voters, under the common school law of Kentucky, shall, on the day designated by the present school law, elect a board of three trustees for said district, one for one year, one for two years, and one for three years, to be determined by themselves at their first meeting, or at any meeting; and that the qualified voters shall elect one trustee annually after the first election, who shall hold his office for three years, and until his or their successors shall be duly elected and qualified. Board of trustees to be elected.

§ 4. It shall be the duty of said trustees, within thirty days after they shall have been notified of their election by the common school commissioner of said county, to take the oath of office as required by the common school law of Kentucky of common school trustees, and enter immediately upon the duties of their office. When elected.

§ 5. Any trustee elected under the preceding section, and failing or refusing to qualify and enter upon the duties of the office of trustee as aforesaid, except for good and sufficient reason, shall be fined twenty-five dollars in any court having Trustees to take oath.

Penalty for failure to qualify.

1876. jurisdiction of the amount of said fine. All vacancies of office shall be filled as provided by the general school law.
- Vacancy—how filled.
- Power of trustees § 6. The powers and duties of said trustees shall be the same as those required of district trustees under the common school law of Kentucky, so far as applicable to this school.
- Their duties. § 7. It shall be the duty of said trustees to organize a graded school in said district.
- Department. § 8. In said school there shall be three departments, namely: a Primary, an Intermediate, and High School Department.
- Primary and intermediate. § 9. In the primary and intermediate departments shall be taught all branches required to be taught by the common school law of Kentucky.
- High school. § 10. In the high school department shall be taught all branches of science generally, under the discretion of said board of trustees.
- School fund to be paid trustees. § 11. The commissioner of common schools in said county shall pay to said board of trustees each year the amount of funds due said district under the common school law of Kentucky, which shall be expended by said board as directed by said board.
- May charge tuition fee. § 12. To sustain the high school department of said school there shall be required of all pupils, who may wish to study branches above those required by the common school law, a tuition fee, to be fixed by said board of trustees.
- May employ teachers. § 13. It shall be the duty of said board to employ a competent teacher or teachers, from year to year, or term to term, in their discretion, and agree with him or them as to compensation.
- May raise funds, &c. § 14. Said board of trustees shall have power to raise funds, as provided by the common school law of Kentucky, and by donation, subscription, or otherwise, from time to time, as may be needed, to erect such buildings, and to provide such apparatus, fuel, and repairs as may be needed for said school.
- May make rules and regulations. § 15. The said board of trustees, and the principal teacher employed by them, shall prescribe the rules and regulations for the government of said school from year to year.
16. This act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 718.

1876.

AN ACT to regulate the sale of spirituous, vinous, and malt liquors in the town of Madisonville, Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for any person or persons, who may receive license from the Hopkins county court, to sell spirituous, vinous, and malt liquors within the corporate limits of the town of Madisonville, Hopkins county: *Provided, however,* That this act shall not take effect until ratified by a majority of the qualified voters of said town at an election to be fixed by the presiding judge of the Hopkins county court, to be held within ninety days after the passage of this act. The said judge shall appoint the officers to conduct said election.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 719.

AN ACT regulating the ferry in Livingston county, opposite Golconda, in Illinois.

WHEREAS, Many citizens of Livingston county represent that they do their principal trading and milling at Golconda, Illinois; that Messrs. Griswill Richmond and Henry Breedin are the owners and operators of a steam ferry from a point in Livingston county, opposite Golconda; and that to benefit said ferry owners and these citizens themselves, trips of said ferry-boats should be made at regular hours, and a mutual agreement having been made between the owners of the said ferry and the citizens aforesaid, that four trips per day for part of the year, and five trips for the remaining part, would fully meet the requirements of the said citizens; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for said Richmond & Breedin, their lessees, vendees or assigns, or successors at said ferry, to make only four trips to and from Golconda per day from the fifteenth day of October to the fifteenth day of April, and five trips from fifteenth day of April to the fifteenth day of October of each year.

1876. § 2. The county court of Livingston county shall, upon motion of said Richmond & Breedin, or their successors, fix the time of departing from the shore, both going to and returning from the said town of Golconda; and the said Richmond & Breedin shall advertise the same by printed notices, placed and kept up in at least five prominent places in said county, and upon their ferry-boat, stating the times of departure. If said Richmond & Breedin, or their successors, fail to advertise as enjoined in this section, then the privileges herein granted shall be null and void. Nothing in this act shall be construed so as to relieve the ferryman from any penalty prescribed in the General Statutes, except so far as detention is concerned; and detention, after the time fixed by the county court of Livingston county for departure, shall be punishable under the General Statutes.

§ 3. This act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 720.

AN ACT for the benefit of W. O. Newman, Metcalfe county.

WHEREAS, W. O. Newman was fined in the Metcalfe circuit court the sum of \$——, and on the 19th June, 1875, the Governor remitted said fine to the amount of twenty-eight dollars; but before said remission was received, said Newman paid to the trustee of the jury fund of said county said sum of twenty-eight dollars; for remedy therefor,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustee of said fund receive credit, in any future settlement to be made by him, for said sum of twenty-eight dollars.

§ 2. This act to take effect from its passage.

Approved March 15, 1876.

CHAPTER 721.

1876.

AN ACT for the benefit of J. F. Rennick, late sheriff of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. F. Rennick, former sheriff of Hickman county, be, and he is hereby, allowed the further time of two years from and after the passage of this act to collect and distrain for all taxes, both revenue and county, and fee-bills due him, and shall be entitled to all the rights and privileges which were allowed him by law in collecting said taxes at the time they were due: *Provided, however,* Said sheriff shall be subject to all the pains and penalties now provided and imposed by law from issuing, distraining for, and collecting illegal taxes and fee-bills.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 723.

AN ACT to repeal section three of an act approved March 14, 1872, entitled "An act to amend the charter of Bryantsville, and further amend an act approved February 14, 1871."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of an act approved March 14th, 1872, entitled "An act to amend the charter of Bryantsville, and further amend an act approved February 14th, 1871," be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 724.

AN ACT to incorporate the Gardnersville and Crittenden Turnpike Road Company, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of constructing a turnpike road from Gardnersville, in Pendleton county, to Crittenden, in Grant county, to be known by

1876.

Name and style.
Body-politic
and corporate.

the name and style of the Gardnersville and Crittenden Turnpike Road Company; and by that name to be a body-politic and corporate.

Capital stock.

How paid.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of twenty-five dollars each, to be paid for as follows, to-wit: Ten dollars on each share, to be paid at the time of subscribing, and the balance in installments of five dollars each, payable at such times as the directors shall direct: *Provided*, That the subscribers shall have thirty days' notice of any such call.

Proviso.

Commissioners.

§ 3. The following named persons, to-wit: L. Fenley, W. L. Collins, W. H. Reed, C. Vallandigham, James Mann, Wesley Gibson, S. T. Price, and B. N. Wilson, are hereby constituted commissioners, any two of whom may open books, and receive subscriptions to the capital stock, which subscription shall be to the effect following to-wit: We, the subscribers, do respectively promise to pay to the Gardnersville and Crittenden Turnpike Road Company the sum of twenty-five dollars for each share of stock set opposite our names, at the times and in the proportions named in the act of incorporation of said company.

Form of sub-
scription.

Election of offi-
cers.

§ 4. When one hundred shares of stock are subscribed, the said commissioners, or a majority of them, shall notify the subscribers that a meeting will be held at a time not less than two weeks after such notice, and at a place to be specified in such notice, for the purpose of electing officers of said company; and at all elections each stockholder shall be entitled to one vote for each share of stock held by him or her, upon which there may be no unpaid calls, which vote may be cast in person or by written proxy.

When held.

§ 5. The first election of officers of said company shall be held under the supervision of said commissioners, and the officers then elected shall hold their offices until the first Monday in September following, and until their successors shall be elected and qualified. All subsequent elections shall be held at a place to be fixed by the board of directors, and on the first Monday of September in each year. The directors may, however, by a majority vote, entered upon their records, change the time of holding the annual elections, but not to extend their own terms of office.

§ 6. The officers of said company shall consist of a president and five directors, who may choose a treasurer, who shall also be secretary, and may pay him such compensation as they may fix. They shall keep a record of all their proceedings, which record shall at all times be open to inspection of any stockholder, upon application to the board or to the secretary.

1876.

Officers of company.

Secretary to keep record.

§ 7. The width of said road shall not exceed fifty feet, not less than fifteen feet of which shall be covered with metal of macadamized stone.

Width of road.

§ 8. The said company, after it is organized, may receive further subscriptions to the capital stock.

May receive further subscription.

§ 9. The said company so soon as organized [may] receive releases of right of way for said road, and grounds for quarries and toll-houses; and may, by proceedings under the General Statutes, condemn land for right of way, and for toll-houses and quarries.

May acquire right of way, &c

§ 10. That the president and directors shall locate said road upon the nearest and most eligible route, and shall fix its grades and elevations according to the general laws.

§ 11. So soon as two thousand five hundred dollars shall have been actually paid in, the president and directors may let out for construction so much of said road as, in their opinion, may be constructed with said sum, and may continue constructing said road as further payments are received upon stock; and so soon as two miles of said road shall be completed they may erect a toll-gate and collect toll for that portion of the road at the rates prescribed in the General Statutes. The said toll-gate may be erected within one half mile of the town of Crittenden.

When road may be let out for construction.

When toll-gate may be erected.

§ 12. This act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 725.

AN ACT to authorize the county court of McCracken county to take stock in the Paducah, Benton, and Murray Gravel Road Company.

WHEREAS, The McCracken court of county levy did, at their June term, 1871, agree with the president, directors, and company of the Paducah, Benton, and Murray Gravel Road

1876. Company to take stock in said company (for the purpose of assisting to build a bridge across Clark's river) to such amount as might be realized by suit against the collector (and his sureties) of the special tax levied on said county in 1869, and commonly known as the "Island Creek Bridge Fund;" therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the McCracken county court is hereby authorized and empowered to subscribe for stock in the Paducah, Benton, and Murray Gravel Road Company as set forth in the preamble.

§ 2. That for the purpose of paying for said stock, the McCracken county court (composed of the county judge and a majority of the justices) is authorized to appropriate the net amount which may be realized on the suit by said county against the collector (and his sureties) of the special tax levied in 1869, and known as the Island Creek Bridge Fund.

§ 3. That in consideration of said subscription by said county as aforesaid, the Paducah, Benton, and Murray Gravel Road Company, by their proper officers, shall issue certificates of stock to the said county; which said stock shall be voted and controlled by the county judge of said county.

§ 4. That all citizens of McCracken county may, and shall have the right to, pass over any bridge constructed by the Paducah, Benton, and Murray Gravel Road Company, across Clark's river, free of toll.

§ 5. This act shall be in force from its passage.

Approved March 15, 1876.

CHAPTER 726.

AN ACT to incorporate the Bricklayers' Union, No. 4, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Pool, president, Edward St. John, vice president, J. H. Bowman, recording secretary, John Floor, financial secretary, Roland South, treasurer, Andrew Deitsh, Jacob Meriwether, James Parsons, trustees, and their associates and successors, be, and they are hereby, constituted a

Corporators.

body-corporate, under the name and style of the Bricklayers' Union, No. 4, of Louisville, Kentucky.

1876.

Name and style.

§ 2. That said union shall afford relief and assistance to its members in case of sickness, death, or disability preventing them from work; and also in case of the death of any of its members in good standing, shall assist in providing for the support of the widows and orphans of such members, who have not left sufficient estate for that purpose.

Object and purposes.

§ 3. That said union shall, by the name and style set forth above, have perpetual succession, and be capable of suing and being sued, of defending and being defended, of pleading and being impleaded; of having a common seal, and the same to make, break, or alter at pleasure; to acquire and hold estate, real and personal or mixed, and the same to buy, sell, exchange, mortgage, transfer, pledge, or otherwise encumber, or alienate, as the union may deem expedient; and the said union shall be capable in law of receiving, holding, selling, and transferring all manner of property, whether by donation, bequest, conveyance, or devise: *Provided, however,* The same does not exceed twenty-five thousand dollars in value, and can be used and enjoyed for the purpose mentioned in the second section of this act.

Corporate powers.

May acquire and hold real and personal estate.

§ 4. That the officers of this union shall be a president, vice president, recording secretary and financial secretary, treasurer, and three trustees, and such other officers as they may deem proper to have, to be elected for such periods, and at such times, as said union may fix in its by-laws; and said officers are to continue in office until their successors are elected and installed.

Officers.

How and when elected.

§ 5. That said union shall regulate and conduct its affairs by its members, when in session at their regular meetings. Such a number of the members shall constitute a quorum to do business as shall be by the constitution and by-laws of this union designated.

Quorum.

§ 6. That the said union, by its members, shall have power to make such laws for the government of said union as shall seem best calculated to promote the ends and objects of this union; they shall have power to make such laws, from time to time, for the admission of members, for the imposing of fines, and otherwise, or for any other purpose connected with the government of the association, with reference to the members thereof, or the duties of said union: *Provided, however,*

May enact by-laws, &c.

1876. That said laws shall not be repugnant to the Constitution and laws of the State of Kentucky or of the United States.

Term of charter. § 7. This charter shall expire at the end of fifty years, unless renewed; and the property, if any there be, belonging to said union, shall not be divided among its members, while seven are dissenting therefrom.

§ 8. This act to take effect from its passage.

Approved March 15, 1876.

CHAPTER 727.

AN ACT for the benefit of George W. Pickett, late sheriff of Adair county.

WHEREAS, The Commonwealth of Kentucky received a judgment in the Franklin circuit court against George W. Pickett, sheriff of Adair county, for thirty-nine hundred dollars, balance of State revenue in his hands, and interest was collected against him on said sum from the June next preceding the judgment to the date of the judgment, which interest amounted to one hundred and fifty-five dollars and eleven cents; and whereas, it is a hardship to require interest before the revenue could have been collected; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasury for one hundred and fifty-five dollars and eleven cents, in favor of George W. Pickett, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 728.

AN ACT to incorporate the Greenup and Riverton Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That H. W. Bates, W. M. Stevens, F. B. Trunell, Joseph Pollock, A. P. Taylor, J. S. Worthington, J. Watt. Womack, John E. Pollock, Ed. H. Winn, B. F. Pratt, and W. J. Sands,

and their associates and successors, be, and they are hereby, created a body-corporate, under the name and style of the Greenup and Riverton Building and Loan Association, of Greenup and Riverton, Greenup county, Kentucky.

1876.

Name and style.

§ 2. Said association shall, by above name and style, have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all courts and places; of contracting and being contracted with; of having a common seal, and the same to make, break, or alter at pleasure; to acquire, use, hold, and sell real and personal estate in and near Greenup and Riverton, and in Greenup county, Kentucky; also issue stock not exceeding (\$80,000) eighty thousand dollars; loan its funds at legal rates of interest, and take mortgages and other securities therefor: said funds to be loaned only to members of said association.

Powers.

§ 3. The funds of this association shall be represented by stock, and each share of same shall be (\$200) two hundred dollars, which share shall be personal property, and may be subscribed, paid for, transferred, and forfeited to the association for non-payment in such way as the association or its board of directors may by resolution or by-laws prescribe.

Subscription of stock.

§ 4. The officers of above association shall be a president, secretary, treasurer, and five directors; but no person shall be a director or other officer unless he shall own at least two shares of stock.

Officers.

§ 5. The association shall elect an attorney to represent such association in all matters wherein it be necessary to employ legal counsel, and the board of directors shall be, and are hereby, empowered to employ additional counsel when they deem it necessary that the regularly elected counsel requires it, and are also empowered to employ such agents to act for the association as in their judgment the business may require.

Attorney and agent.

§ 6. The above named corporators shall open books for the subscription of stock, and when two hundred shares are subscribed, may go into operation. Other shares may be subscribed by same parties taking same in addition to the foregoing number, or the shares may be taken by other parties; but all subscribers shall be required to pay the back installments in order that they may correspond with the amounts paid by the original subscribers, with interest at such rates as may be prescribed by the by-laws of said associ-

When to commence business.

1876. ation, not to exceed the legal rate of interest allowed by the laws of this State.

Directors—term
of office and pow-
ers.

§ 7. The board of directors shall be elected on the first Saturday in March and September in each year, and hold their offices for six months, or until their successors are elected. In election for officers, and transaction of other business, each member present shall be entitled to one vote for each share owned. The board of directors shall elect one of their number president, and shall elect a treasurer, who shall give bond, with good and sufficient surety, for the safe-keeping of the assets of the association, and a faithful discharge of the duties of his office.

(Object of asso-
ciation.

§ 8. The object of this association is to enable its members, by their savings and accumulations, to acquire homes and other property; its business to buy and sell real estate, to loan its capital stock as paid in, and the accumulation thereof, preference being given, in all cases, to members of said association; said loans shall be made at such rate of interest, not exceeding ten per cent., as may be agreed by the parties thereto. The association shall have the right to insure the mortgage property of the borrower for any space of time, not to exceed the time of payment of the loan, at the expense of the borrower; but the association may, if the board of directors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near Greenup and Riverton.

May issue and
sell bonds.

§ 9. Said association shall have power to issue and sell or hypothecate its bonds, with coupons attached, for any sum not exceeding the sum of its capital stock paid up, and make the same payable at such time and place as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding ten per cent. per annum, to be paid annually or semi-annually, as the corporation may direct.

Meeting to elect
officers.

§ 10. As soon as practicable after the association is ready to go into operation, as provided in section six, the incorporators shall call a meeting of the stockholders, giving reasonable notice of the time and place of such meeting, for the election of officers, who shall have authority to make and pass by-laws for the government of said association, not inconsistent with this charter, nor the Constitution and laws of the United States or of the State of Kentucky.

§ 11. This act shall take effect from the date of its passage. 1876.

Approved March 15, 1876.

CHAPTER 729.

AN ACT to incorporate the Clinton Baptist Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Willis White, John T. Moore, F. M. Ray, J. H. Hamilton, C. J. Perry, John Owen, and G. W. Gailbraith, the present trustees of "The Clinton Baptist Female College," located in the town of Clinton, Kentucky, and their successors in office, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Clinton Baptist Female College;" and by that name shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure; to make contracts for the benefit of said college; to sue and be sued, to plead and be impleaded, in any of the courts of this Commonwealth; to acquire by gift, grant, devise, purchase, or otherwise, any real or personal property for the use of said college; to sell and dispose of the same at pleasure, according to the by-laws of said trustees, and reinvest the proceeds arising therefrom in any such real and personal estate as they may deem proper for the benefit of said college.

Corporators.

Corporate powers.

§ 2. The trustees of said college shall continue in office until they resign or remove from the county, or are deposed according to the by-laws established under this act, and shall have power to choose from their own body a president, secretary, and treasurer, and to fill vacancies in their own body, always observing that no person is eligible to said office of trustees unless he be a member in good standing of a Regular Missionary Baptist Church.

Trustees.

Term of office.

§ 3. The president of the college and assistant teachers, together with the president and secretary of the board of trustees, shall have power to confer upon the students of said college any or all the diplomas and degrees conferred by any other college in this State: *Provided*, That no degree be conferred upon any of the students except those who shall have

Power to confer degrees, &c.

1876. completed the prescribed course of studies, and passed a satisfactory examination in the same, and who shall maintained a good moral character; said diplomas for degrees shall be signed by the president of the college and assistant teachers, and by the president and secretary of the board of trustees.

Vacancy—how
filled.

§ 4. The trustees shall have power, a majority of whom shall constitute a quorum for the transaction of all business, to elect the president or principal, professors, and tutor in said college, and upon the death, resignation, or removal of such, shall have power to fill vacancies. The president or principal shall have power to suspend any student for remissness of duties, disobedience or violation of rules; and said president or principal, together with the trustees, shall have power to expel such student from said college for a persistence in disobedience, remissness of duty, and immoral practice.

May make by-
laws.

§ 5. The trustees shall have power to make such by-laws, rule, and ordinances, not inconsistent with the laws of the State and the United States, as they shall deem proper for the supervision and government of said college.

§ 6. The college buildings, grounds, and other property belonging to said college, shall not be liable to taxation under the laws of this Commonwealth.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 16, 1876.

CHAPTER 730.

AN ACT for the benefit of Colston Crabtree, of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasurer of this State in favor of Colston Crabtree, for the sum of sixty-five dollars, being fifty dollars, with interest at three per cent. per annum, and being the amount paid by said Crabtree to the trustee of the jury fund in Daviess county, under a judgment of the Daviess circuit court on a forfeited bail bond, in favor of the Commonwealth, which judgment was reversed by the Court of Appeals after the payment aforesaid; and after said reversal, judgment was rendered by the Daviess circuit court in favor of Crabtree.

§ 2. This act shall take effect and be in force from and after its passage. 1876.

Approved March 16, 1876.

CHAPTER 731.

A BILL for the benefit of W. B. Roe's heirs and others, in Rowan county.

WHEREAS, One John McGlassen was sheriff of Rowan county in the year 1860, and W. B. Roe, Robert Nickle, Green Nickle, and H. R. Myers were his securities. McGlassen broke, and judgment was rendered against said sureties in favor of this State, and afterwards, to-wit: on the 22d of December, 1862, the lands of said sureties was sold under said judgment, and bought by the State, as follows: W. B. Roe's tract of one hundred acres, at the price of two hundred dollars; Robert Nickle's tract of one hundred and sixty acres, at the price of one hundred and fifty dollars; Greenup Nickle's tract of six hundred acres, at the price of one hundred and fifty dollars; H. R. Myers' tract of eighty-five acres, at the price of one hundred and fifty dollars; and whereas, the parties, or some of them, or their heirs and representatives, are desirous to redeem the same, and as the State is deriving no benefit from said lands, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the heirs and representatives of W. B. Roe, deceased, shall have the right to redeem the one hundred acres of land by paying into the State Treasury the two hundred dollars, with six per cent. interest on the same from the 22d day of December, 1862, until paid. Right of redemption.

§ 2. That Robert Nickle shall have the right to redeem the one hundred and sixty acres of land sold when he pays into the State Treasury the sum of one hundred and fifty dollars, with six per cent. interest per annum from the 22d of December, 1862, until paid. Right of redemption.

§ 3. That Greenup Nickle have the right to redeem the six hundred acres of land by paying into the Treasury of the State of Kentucky the sum of one hundred and fifty dollars, with six per cent. interest per annum from the 22d day of December, 1862, until paid. Right of redemption.

1876.

Right of redemption.

§ 4. That H. R. Myers have the right to redeem the eighty-five acres of land by paying into the Treasury of the State of Kentucky one hundred and fifty dollars, with six per cent. interest per annum from the 22d of December, 1862, until paid.

§ 5. Any of said parties shall be entitled to redeem said lands at time within two years from the passage of this act, but not afterwards.

§ 6. This act shall be in force from its passage.

Approved March 15, 1876.

CHAPTER 732.

AN ACT to provide for the payment of expenses incurred by the Ohio county court in taking care of a pauper idiot.

WHEREAS, Jacob Hawes, a pauper, was, by a legal inquest, found to be an idiot, and was, by the proper authority, given to the custody of a committee, and afterward was given up by said committee; and whereas, the Ohio circuit court by order directed the judge of the Ohio county court to act as committee for said Jacob Hawes, who had him cared for at the expense of Ohio county from the 11th of January, 1874, till the 15th of July, 1875, when said pauper died; and whereas, the Ohio circuit court allowed, and ordered to be certified to the Auditor for payment, the claim of said committee from January 11, 1874, till July 15, 1875, at the rate of seventy-five dollars per annum; and also for ten dollars, the burial expenses of said Jacob Hawes; and whereas, the Auditor declined paying said allowances; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of W. F. Gregory, county judge of Ohio county, for the sum of one hundred and twenty-two dollars and fifty cents, for the use and benefit of said county, in payment of said claim.

§ 2. This act shall be in force from its passage.

Approved March 15, 1876.

CHAPTER 733.

1876.

AN ACT to legalize the issue of certain bonds issued by the commissioners of a portion of the Jamestown magisterial district, in Campbell county.

WHEREAS, By an act approved April 21st, 1873, James T. Williamson, James B. Chadwick, and William Hasson, were constituted commissioners, with authority to construct a bridge over Taylor creek, in the Jamestown magisterial district, in Campbell county, Kentucky, and were authorized to issue bonds to the amount of thirty-eight thousand dollars to meet the expense of said construction, which bonds were to be a lien upon all the real estate in the portion of said magisterial district; and whereas, it is represented to this General Assembly that, owing to an unexpected, and at that season of the year unprecedented, flood in said creek and the Ohio river, it became necessary to construct additional works to protect the structure already in process of being finished; and to meet the expenses of the same, it became necessary to issue bonds to the amount of thirty-three hundred dollars, in addition to the sum of thirty-eight thousand already issued; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said commissioners shall be empowered to institute an action in the circuit court of Campbell county, making the said portion of the Jamestown magisterial district, the mayors of Bellevue and Dayton, and the magistrates of the district, defendants, and to adduce proof in said action of the necessity and justice of said additional expenditure; and if it shall appear to the judge of said court that said expenditure was necessary, and done in good faith, then he shall enter an order on the records of said court legalizing the issue of all bonds which have been issued in excess of the amount heretofore authorized, not to exceed the sum of thirty-three hundred dollars, and shall specify the numbers, dates, and amounts of said bonds in said order; and said bonds shall thereupon become a lien on all the real estate in said portion of the Jamestown magisterial district, and shall be provided for as to the payment of the interest thereon, and the principal thereof, in the same manner as is now provided in the act approved April 21st, 1873, and the amendments thereto. The said court shall issue a summons to the

1876. mayors of the cities of Dayton and Bellevue, in said district to appear and show cause, if any they can, why said order should not be entered.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 734.

AN ACT to amend an act, entitled "An act to incorporate the Silver and Spar Mining Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name changed. § 1. That the corporate company, heretofore known as the Silver and Spar Mining Company, are hereby continued corporate, by the name and style of the Kentucky Lead Mining Company, a body-corporate and politic, with principal office in the city of Louisville, Kentucky.

Capital stock. § 2. The capital stock shall be two hundred thousand (\$200,000 00) dollars, which may be increased by a vote of the board of directors to any sum not exceeding five hundred thousand (\$500,000 00) dollars, to be divided into shares of one hundred (\$100 00) dollars each, transferable only on the books of the company, in person or by attorney, on surrender of the certificate, the company to have the privilege, at all times, the stockholders consenting thereto, to purchase and buy in said stock at its market value.

Directors may loan any surplus. § 3. The board of directors may loan any surplus money to the stockholders, and the company shall have a lien on any share or shares of stock of any stockholder for any indebtedness to the company; and such stock shall not be transferred on the books of the company until such indebtedness has been fully paid, or otherwise satisfactorily arranged.

§ 4. So far as this amendment conflicts with the original charter, it repeals the original.

§ 5. This act shall take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 740.

1876.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the Wilderness Turnpike Road. in Rockcastle county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section five of chapter two hundred and seventy-four of an act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the Wilderness Turnpike Road," approved February 13th, 1874, be, and the same is hereby, repealed, and in lieu thereof the following is adopted, viz: That all persons residing in the counties of Laurel (except those working on said road or militia, who are hereby exempt from paying toll on said road), Whitley, Clay, Jackson, and Knox, who travel on the Crab Orchard pike of said road from the pike of same at John Retman's, or over any part thereof, shall pay toll at the gate on said road at Rockcastle river at the following rates, and no higher, viz: For each wagon, with four or more horses, mules, or oxen, fifty cents; for each wagon, with three horses, mules, or oxen, forty cents; for each wagon drawn by two horses, twenty-five cents; for each wagon, cart, or other vehicle drawn by one horse, if loaded, twenty-five cents, if empty, fifteen cents; for each break wagon and driver, forty cents; for each man and horse, five cents; for each loose horse or mule, two and one half cents; for neat cattle, two cents on each head; and upon each hog or sheep, one cent per head.

§ 2. This act shall take effect and be in force from and after the 12th day of July, 1876.

Approved March 15, 1876.

CHAPTER 741.

AN ACT empowering the board of trustees of the town of Catlettsburg, in Boyd county, to sell and convey lot number thirty-seven, in said town.

WHEREAS, On the 30th day of January, 1874, L. T. Moore sold and conveyed lot number thirty-seven, in the town of Catlettsburg, Boyd county, Kentucky, to the board of trustees of the town of Catlettsburg, for the site of a common school-house; and whereas, afterwards the said board of trustees of the said town purchased of Kate L. Houshell and Wash.

1876.

Houshell certain other lots in said town of Catlettsburg, with suitable school buildings already erected upon them; and whereas, the said Kate L. Houshell and Wash. Houshell, in consideration as part of the purchase price for the said lots and improvements thereon, agreed to accept a conveyance of the said lot number thirty-seven so conveyed by said L. T. Moore to the said board of trustees of said town; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Catlettsburg be, and said board of trustees is hereby, empowered to sell and convey said lot number thirty-seven, so conveyed by said L. T. Moore to the said Wash. Houshell, free and clear from any and all encumbrance whatsoever. The said conveyance shall be made by the president of the board of trustees of said town.

§ 2. This act shall take effect from the date of its passage.

Approved March 15, 1876.

CHAPTER 743.

AN ACT to incorporate the New Castle, Pleasureville, and Sweet Home Turnpike Road Company, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company created § 1. That a company is hereby created, under the name of the New Castle, Pleasureville, and Sweet Home Turnpike Road Company, for the purpose of constructing a turnpike road from Pleasureville to Sweet Home, in Henry county, to be built upon the most practicable route, said route to be selected by the commissioners hereafter named.

Object and purposes.

Capital stock. § 2. The capital stock of said company shall be such as the directory may deem sufficient to build such road, and no more; and may be increased or diminished at the pleasure of the company.

Commissioners may open books. § 3. Any two of the following commissioners may open books for the subscription of stock: J. W. Hemmon, James G. Adams, J. L. List, J. F. Jacoby, Lycurgus Smith, in such form as they may determine; and the said subscriptions shall be collected in any court having competent jurisdiction, pro-

vided the stockholders fail to pay upon reasonable calls; and when a sufficient amount of stock shall be subscribed, in the judgment of the commissioners, to commence the work, it shall be the duty of some one of the commissioners to give notice of a meeting of the stockholders, and hold an election, which shall be held in Pleasureville ten days after such notice, for the election of five directors; at least two commissioners shall be present and take the vote, allowing one vote for each share of stock, and such vote may be cast by written proxy. The directors shall elect one of their number president, and such other officers as the president and directors shall allow by their by-laws to be officers of said company; and said directors shall determine the amount of capital stock, and the shares into which such capital stock shall be divided; and shall hold their offices for one year, or until their successors are qualified.

1876.

Meetings—how noticed.

Directors—how chosen.

§ 4. That upon the election and qualification of said officers they shall be a body-politic and corporate, by the name and style aforesaid; and by that name shall have perpetual succession, may sue and be sued, hold, acquire, and convey all necessary real or personal property for the purpose of constructing said road, and maintenance of the same; and have all other privileges and franchises incident to a corporation.

Corporate powers.

§ 5. When two or more miles of said road shall be completed, it shall be lawful for said company to put up a toll-gate in the town limits, and charge the regular rate of toll per mile for all completed road; and shall have the right to charge toll for persons traveling said road for the distance used, whether said parties pass through said gate or not.

When toll-gate may be erected.

§ 6. Said company, through her officers, shall have all rights and benefits of the writ of *ad quod damnum* in condemning land or material to fully carry out the intention of this act; and in the construction of said road the president and directors shall be governed by the requirements of the turnpike law of Henry county.

May condemn land.

§ 7. This act shall take effect from its passage.

Approved March 15, 1876.

1876.

CHAPTER 744.

AN ACT to incorporate the District of Cold Spring, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That all the territory comprising school district No. 42, bounded and described as follows: thence in a northern direction with the west line of Mrs. Trunnel's and Chas. H. Horner's farms, so as to include Enoch Parson's farm, Henry Singleton's farm, and the farms of W. C. Davis and Eli Kinney, to the line between said Kinney and Mrs. Carter's farm, on the creek; thence with said division line to the Campbell Turnpike Road; thence south on said turnpike to the State road leading from the turnpike to the Ohio river; thence with said road to Miles' mill, on Three-mile creek, and the line of district No. 45; thence with said line of district No. 45 to the Trumbower farm, to the corner of school district No. 44, including the Cooper farm and the farms of Robert Maddox and Thomas Wrightson; thence in a southerly direction to the bridge on the Campbell Turnpike near the southern boundary of John C. Youtsey's farm; thence south to Jos. H. Horner's farm, so as to include said Horner's farm and the farm of Andy J. Youtsey; thence with said Horner's and Dye's farms to the farm of James G. Culbertson, leaving said Culbertson in school district No. 49; thence with the south line of Charles Murran's farm; thence in a direct line to the place of beginning, being the consolidation of school districts numbered 21 and 42, as consolidated August 13, 1869, by the school commissioner of Campbell county; said territory shall be, and is hereby, incorporated under the name and style of Cold Spring District, and the inhabitants thereof are created a body-politic and corporate for purposes hereinafter mentioned.

Trustees—when
and how elected.

§ 2. The government of said corporation shall be confined to a board of six trustees, to be elected as hereinafter provided, a majority of whom shall constitute a quorum for the transaction of business; they shall reside in said district, and have the qualifications of legal voters and owners of real estate within the limits of said district; their term of office shall be for two years, and until their successors are elected and qualified; but of those first elected after the passage of this act, three shall be selected by lot, whose term of office

Term of office.

shall expire at the end of one year, so that in all future time three members shall be chosen annually; and said board shall have power to fill all vacancies occurring in its body, and shall act without compensation.

Vacancy—how filled.

§ 3. The persons so elected shall constitute and be styled the board of trustees of Cold Spring District, and by that name shall be known as a body-corporate and politic, and may, in their corporate name, sue and be sued; contract and be contracted with; buy, sell, and convey real and personal property as may be necessary for the legitimate purposes of said corporation, the title for which shall vest in said trustees and their successors as property belonging to said district only.

Name and style.

§ 4. The election for trustees in said district shall be held on the first Saturday in July in each year, notice of which shall be given by said trustees at least ten days previous to said election, by posting written or printed notices in five public places in said district

§ 5. That John C. Youtsey, Charles H. Horner, Andy J. Youtsey, H. S. Clark, Wiley Bates, and Henry Sethman, are hereby elected and appointed trustees *pro tem.*, with full power to act until the first regular election in July, 1876, and until the persons then elected are duly qualified.

Trustees pro tem.

§ 6. The trustees so elected shall be sworn to faithfully discharge their duties, and shall meet within one month after their election and organize by selecting a president, who shall be one of their own number, and shall be entitled to a vote only in case of a tie. They shall also elect a clerk and treasurer, the latter of whom shall give a good and sufficient bond, conditioned for the faithful performance of his duties as prescribed by said trustees.

§ 7. Said trustees shall keep or cause to be kept a well bound journal of their proceedings, and may pass such laws and regulations for the good government and police of said district as they may deem necessary, consistent with the Constitution and laws of this State and of the United States, and provide for their observance by adequate penalties, which may be enforced before a justice of the peace for said district; and shall have power to make all laws and rules for the government of themselves and appointees, and for the dispatch of

Journal to be kept of proceedings.

1876. business, and for the management, control, and government of the public schools in said district, their teachers and pupils.

Board may appoint teachers, &c.

§ 8. Said board shall appoint all teachers and other persons necessary to carry on the public schools, and prescribe all rules for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher employed by them, prescribe the branches of education to be taught in said schools not contrary to law, grade the schools and classes, prescribe the necessary qualifications for teachers and pupils, and shall provide class-books for children whose parents are not able to purchase them.

Tuition free to all pupil children in district.

§ 9. All white children over six years of age, and under twenty, shall have equal rights of admission to the schools established under this act, and no fees or charges for their tuition shall be made in any of the schools, but said trustees may establish rates and terms on which children residing out of said district may be admitted to said schools.

Trustees to report to the Commissioner of common schools.

§ 10. Said trustees shall report to the commissioner of common schools for Campbell county as other trustees are now required to do; and shall receive their pro rata from the common school fund on all the white children in said district of the proper age, as designated by the law for admission to the public schools.

§ 11. Said trustees may condemn, as provided under the common school law, any property in said district for the purpose of occupying the same for school purposes.

Question of levying tax to be submitted.

§ 12. Said trustees shall submit to the qualified voters in said district the question of levying a tax, not exceeding fifty cents in any one year, on the one hundred dollars' valuation of taxable property belonging to white persons in said district, which amount shall be levied annually, not exceeding three years, for the purpose of raising money to purchase land, and erecting thereon and furnishing a school-house, such as will meet the demands of the district, or for the purpose of purchasing and furnishing the Walnut Hills Academy and grounds, a property centrally and eligibly located in said district, consisting of less than three acres of ground, and the improvements adapted to the wants of the district for school purposes, and now offered at a low price for that purpose; and for defraying the incidental expenses of carrying on said schools; the said trustees are authorized to levy and

collect annually an ad valorem tax of five cents on each one hundred dollars' valuation on all taxable property in said district.

§ 13. Notices of said election, stating the purpose of said tax, shall be posted in not less than three public places in the district, ten days previous to holding said election; the time and manner of holding it shall be determined by the board of trustees; and if the proposition fails to receive a majority of the votes cast at said election, it may again be submitted, from time to time, at the discretion of the board of trustees of the district, until adopted; if a majority of the votes cast are in favor of levying the tax, the trustees shall at once proceed to levy the same: said tax shall be due and collectable on the first day of July of each year. The assessment of the county assessor for Campbell county shall govern the amount of valuation in levying said tax.

Notices of said election to be posted.

§ 14. The said trustees shall have power to appoint a collector of said taxes, who shall have the same power to enforce its collection that the collectors of the State and county revenue now have. Said collector shall execute bond, with approved security, in the Campbell county court, for the faithful performance of the duties of his office, and shall pay over the taxes collected by him, immediately after the collection of the same, to some one authorized by the said trustees to receive it; said receiver also to execute bond, with approved security, in the above named court, for the faithful performance of the duties required of him.

Collector of—
how appointed.
His duties.

§ 15. Said taxes, or any portion of them, when collected, and paid over as before stated, shall be subject to the order of said trustees, to be disbursed for the purposes herein set forth.

§ 16. This act shall take effect from and after its passage.

Approved March 15, 1876.

1876.

CHAPTER 745.

AN ACT to establish and maintain a graded free school in the town of Harrodsburg, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Graded school
established.

§ 1. That for the purpose of establishing a graded system of free schools in Harrodsburg, Kentucky, the said town of Harrodsburg is hereby constituted a common school district, and declared to be a body-corporate, and possessing all powers necessary for the execution of the purposes hereinafter set forth. Its corporate name shall be known as the Harrodsburg Educational District.

Trustees.

When elected.

Term of office.

§ 2. That said school district shall be under the exclusive control of six trustees, who shall be white men, resident voters in said district; and before they shall begin to act after their election, or appointment as hereinafter provided, they shall take an oath to faithfully and impartially discharge their duties according to law. The term of office of said trustees shall be three years, except as hereinafter provided, and until their successors are elected and qualified.

Vacancy—how
filled.

§ 3. That the first election of trustees shall be held the first Saturday in April, 1876, at which time there shall be six trustees elected by the qualified white voters of said district. The trustees so elected shall determine by lot which two of their number shall hold office for one year, which two for two years, and which two for three years; and annually thereafter on the first Saturday in April, the qualified white voters of said district shall elect two trustees to fill the place of the two whose term of office expires. The trustees first elected shall qualify at once, and the term of office of the trustees thereafter elected shall begin the first of July in each year after their election. Should there at any time occur a vacancy in the office of trustee from any cause, the trustees in office are authorized to fill said vacancy by appointment.

Officers. •

Treasurer to
give bond.

§ 4. Said trustees of their own number shall elect a president and secretary, who shall hold office for one year, and until their successors are elected and qualified; they shall also elect a treasurer, who shall hold his office for two years; and shall require of him a bond, with good and sufficient security, for the faithful performance of his duties as such treasurer. Said trustees shall have exclusive control of the selection and

appointment of teachers, regulation of school discipline, course of study, text-books to be used, examinations, and other regulations and appointments in the common schools in said district. They may appoint examiners, and prescribe qualifications for teachers, and may discharge teachers when such discharge shall, in their opinion, be demanded by the best interest of the school; they may suspend and expel any scholar from said school whose conduct in their opinion may deserve it; they shall have the school buildings kept in repair, and purchase such fuel, books, stationery, apparatus, and other articles as may be necessary for conducting the schools.

1876

Power of trustee.

§ 5. The trustees of the town of Harrodsburg shall, on the first Saturday in April, 1876, submit to the qualified white voters of said school district the question as to whether they will empower the said school trustees to annually lay and collect a tax on the property of the white persons owning property in said district subject to taxation for State revenue purposes, not to exceed the sum of seventy-five cents on the one hundred dollars of said taxable property, for more than two years, and thereafter not to exceed forty cents on the one hundred dollars in any one year, to be used in the interest of common school education in said district as herein provided. The vote on said proposition shall be polled at the court-house, in Harrodsburg, Kentucky, two weeks' public notice thereof being given by the clerk of the board of trustees of the town of Harrodsburg by advertisements posted at the court-house door and four other public places in said district, and published in some newspaper in Harrodsburg, if any there be. At said poll shall be recorded each vote as for the tax or against the tax, as the case may be, and the poll shall be certified by the clerk and judges of the elections as in other elections; and said poll-books shall be returned by the sheriff of said election to the county court clerk's office, and be compared in the same manner as is now provided by law in the election of county judge. The certificate of the result of said election shall be spread at large on the order-book of the Mercer county court as soon as the same shall be made. Should a majority of the qualified votes cast at said election be in favor of said tax, the said school trustees shall have the power to annually levy and collect said tax as herein pro-

Question on
levying and col-
lecting tax.

1876.

vided. They shall each year, as soon as the assessor returns his assessment, have entered upon the order-book of the Mercer county court the amount of the tax that shall be collected off of said property so assessed, and the collector shall then proceed to collect the same as hereinafter provided.

If voted how
collected.

§ 6. Said school trustees, in the event said tax is voted, are authorized to appoint annually an assessor and collector of said taxes, and agree with them as to compensation; their compensation, however, not to exceed what is now allowed by law to assessors and collectors of State revenue. Said assessors and collectors shall possess the same powers as to the assessment and collection of said tax as the county assessor and sheriff have in the assessment and collection of State revenue, and be responsible in the same way, and to the same extent. Said collector, before he enters on the discharge of his duties, shall execute a bond, payable to the Commonwealth of Kentucky, conditioned as the sheriff's bond for the collection of State revenue, which bond shall be accepted and approved by the board of trustees of said school district, and attested by the secretary, and then lodged with the county court clerk, and by him recorded in deed-books without acknowledgement. Said school trustees, for the benefit of said district, shall have a lien upon the property of said collector, and the sureties on his said bond, from the execution thereof until his accounts as such collector are finally settled by said board, and he is given a receipt in full discharge of his liability on said bond. Said collector shall have the same power to sell property for said taxes as is now provided by law for the collection of public revenue; and real estate so sold shall be subject to redemption in the same way. Said collector shall collect and pay over said tax to the treasurer of said board of school trustees as he collects the same in each year. Said assessor shall complete his assessment, and return the same to said board, by the first of May in each year. Said collector, on the first of December of each year, shall make a settlement of his accounts with said board, or such person or persons as they may appoint to make the same, which settlement shall be reduced to writing, and returned to and recorded in the county court clerk's office by the county clerk; and at said settlement said board may allow said collector for delinquent taxes which he could not collect. For any balance due on said settlement, the said collector and

his sureties shall be responsible, with ten per cent. interest thereon per annum until the same is paid.

1876.

§ 7. That for any debt due by said school district, the treasurer shall pay the same on the order of the president of the board, countersigned by the secretary, after it is first allowed by the board of trustees. Said board of trustees shall, annually, between the fifteenth of June and the first of July, make a settlement of their accounts before the judge of the Mercer county court, which shall be certified and recorded as other settlements. The treasurer shall, at the same time, make an annual settlement with said board.

How debts due by trustees payable.

§ 8. Said trustees shall expend said tax raised and collected as aforesaid in the purchase of suitable grounds and buildings, or in the erection or improvement of suitable buildings, or the grounds belonging thereto, for the proper maintenance and carrying on of a graded school or schools in said district, and for the necessary expenses incurred in the conducting and management of the graded school or schools. That said trustees shall receive no compensation for their services: *Provided, however,* They shall not expend, in the purchase of grounds and buildings, and the improvement thereof, out of said tax not exceeding seven thousand dollars.

How revenue from taxation is to be expended.

§ 9. That said trustees are authorized to receive any property, real or personal, or money or choses in action, by gift, purchase, or donation, and hold the same for the benefit of said school district; and they may sell and convey the same, and use the proceeds for the benefit of said school district, or reinvest the same for the benefit of said district; but all money shall be paid to the treasurer, and held by him subject to the order of the board as aforesaid.

Trustees may acquire and hold real estate.

§ 10. That all common school property, and all moneys belonging to common schools in said district, is hereby transferred to the district hereby created; and said trustees are authorized to sue for and recover all such money and property; and said board are hereby authorized to sell any of said common school property, and use the proceeds in the purchase, erection of buildings, or improvement of any property that may be necessary for said graded school or schools.

Common school property under entire control of trustees.

§ 11. That all white children of the ages prescribed by the common school law of the State, residing in said district, shall have the right to attend said graded school, free of

Who entitled to school privileges.

1876. charge; and said trustees may admit any other white pupils in said graded schools upon such terms as they may, from time to time, prescribe. Said trustees are authorized to draw the common school fund that may accrue from the State from time to time, and deposit the same with the treasurer, to be used alone for common school education in said district.

Record to be kept. § 12. That said board of trustees shall keep a complete record of their meetings, which at all times shall be open to the inspection of the white citizens of said district.

Question of capitation tax to be submitted. § 13. That at the same time or times the vote is taken in said district upon the question of taxing the property of the district for the purposes aforesaid, the question shall also be submitted, as a part of the same proposition, whether each white male citizen of the district twenty-one years old shall be taxed and assessed two dollars capitation tax for the purpose aforesaid; and in the event of the question being carried as aforesaid, it shall be the duty of said assessor, in making said list of assessment as directed in a former part of this act, to include in that assessment two dollars capitation tax against each of the male white citizens of said district, and cause the same to be collected as aforesaid; and when collected, the same shall be part and parcel of the school fund of said district, and used as aforesaid.

§ 14. That the property of said district shall not be assessed for the purposes and in the manner hereinbefore stated at a higher valuation than it is assessed by the county assessor.

Trustees to report to the Superintendent of Public Instruction. § 15. That said school trustees of said district shall carefully ascertain the number of children within said district, between the age of six and twenty years, and make report thereof to the common school commissioner of Mercer county, at the same time, and under the same restriction, that is required of the trustees of the common school districts by the common school law of the State; and said commissioner shall report the same to the Superintendent of Public Instruction for the State; and in disbursing of the public school money, from time to time, said district shall be entitled to receive in due proportion with others in the State, and the same shall be paid to said trustees as such moneys are by law to be paid to other trustees. They shall report the number of white children and black children separately.

§ 16. That all acts and parts of acts, either public or private, inconsistent with this act, are hereby repealed. 1876.

§ 17. That this act shall take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 746.

AN ACT for the benefit of the sureties of J. B. Brassfield.

WHEREAS, J. B. Brassfield, late sheriff of Whitley county, on or about the 1st of March, 1874, ran away, carrying with him the revenue belonging to the State, so far as collected by him, and his sureties have paid off and discharged said sheriff's liabilities to the State, with ten per cent. interest on the same, which interest amounts to the sum of three hundred and seventy-two dollars and sixty-nine cents; and whereas, it further appears that said sureties paid into the Treasury the sum of eighty-eight dollars and fifty-six cents revenue tax upon lands twice taxed for the same year; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of Jeremiah Jones, Jerry Meadors, G. W. Patrick, Robert Jones, Alexander Litton, Nathaniel Walker, Reuben Faulkner, S. R. Brassfield, Hampton Meadors, Wm. Wilson, L. J. Sleety, and Solomon Cox, or their order, for the sum of two hundred and eighty-four dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved March 15, 1876.

CHAPTER 749.

AN ACT for the benefit of Merrill Hardin, of Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasurer in favor of

1876. Merrill Hardin, for the sum of thirteen hundred and three dollars and sixty-one cents, payable out of any funds in the Treasury not otherwise appropriated, as payment of the interest on four thousand and eighty-four dollars and fifty-six cents, at the rate of six per cent per annum, which sum was, by error, paid into the Treasury by said Hardin on the 26th day of November, 1866, and refunded to him on the 21st day of March, 1872.

§ 2. This act shall take effect from its passage.

Approved March 15, 1876.

CHAPTER 750.

AN ACT to incorporate the Literary and Benevolent Society of Saint Mary of the Angels.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators. § 1. That Ella McMahon, Mary Elizabeth Batre, Ruth Price, Sarah Jane Haffey, and Elizabeth Smith, and their associates and successors, be, and they hereby are, created a

Name and style. body-corporate, under the name and style of "Literary and Benevolent Society of Saint Mary of the Angels;" and as such, and under said name, shall have power to contract and

Corporate powers. be contracted with, to sue and be sued; to acquire, hold, and transfer property, real and personal; shall have perpetual succession, and shall have such other powers as are incident to such corporation.

Directors. § 2. The said corporation shall be controlled by a board of directors, consisting of six members, who shall be elected at such times and for such terms, and shall have such powers and duties, as said corporation shall provide by by-laws, and such as are necessary for carrying out the purposes of such corporation.

May acquire and hold real and personal estate. § 3. The said corporation may acquire by purchase, devise, or otherwise, real or personal property; and may found and conduct schools, and other literary and charitable institutions.

Certain amount of property exempt from taxation. § 4. The real and personal property of said corporation shall, to the amount of fifty thousand dollars, be exempt from taxation.

§ 5. This act shall take effect from its passage.

Approved March 16, 1876.

CHAPTER 751.

1876.

AN ACT for benefit of John C. Evans, late deputy sheriff and tax collector of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John C. Evans, late deputy sheriff and tax collector of Hickman county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect and distrain for all taxes, both revenue and county, due him, and shall be entitled to all the rights and privileges which were allowed him by law in collecting said taxes at the time same were due: *Provided, however,* Said deputy sheriff and tax collector shall be subject to all the pains and penalties now provided and imposed by law from issuing, distraining for, and collecting illegal taxes and fee-bills.

Further time allowed to collect tax.

§ 2. This act shall take effect from and after its passage.

Approved March 16, 1876.

CHAPTER 752.

AN ACT to incorporate the Springfield and Bradfordsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated, under the name and style of the Springfield and Bradfordsville Turnpike Road Company; and by said name and style shall have perpetual succession; and may sue and be sued, plead and be impleaded; and as such is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

Company established.

Name and style.

§ 2. The following persons are appointed commissioners to receive subscription of stock to said company, viz: James F. Roby, James Edlen, Len Edlen, Edward Kelley, Harvey McElvoy, and Thomas Luckett; and said persons are authorized to open books and receive subscription at any time or place they may deem proper.

Commissioners.

§ 3. The capital stock of said company shall be divided into shares of one hundred dollars (\$100) each, and the entire capital stock shall not exceed the amount necessary to construct said road and toll-house, at which toll may be collected at the rates allowed by general law.

Capital stock.

1876.

When to commence business.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for a president and three directors for one year, or until successors are elected and qualified.

Width of road.

§ 5. The width of said road shall not be under twenty (20) or more than thirty (30) feet; the metal or macadamized part shall not be less than sixteen (16) feet; the steepness or grade shall not exceed three and one half ($3\frac{1}{2}$) degrees.

Treasurer—how appointed.
Shall give bond.

§ 6. It shall be the duty of the president and directors to appoint one of their directors treasurer, who shall execute bond, with approved security, and shall be responsible for all moneys of the company, subject to the order of the president; and he shall also keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder in said company.

County authorized to subscribe to capital stock.

§ 7. The county court of Washington county are hereby authorized to subscribe to the capital stock of said company in an amount not exceeding seven hundred dollars (\$700) per mile, should they deem it in their discretion necessary to be done.

§ 8. This act to take effect from and after its passage.

Approved March 16, 1876.

CHAPTER 753.

AN ACT to incorporate the Turnersville and Vandever's Turnpike Road Company, in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company established.

Name and style.

§ 1. That a company is hereby created under the name and style of the Turnersville and Vandever's Turnpike Road Company, for the purpose of making an artificial road, out of stone or gravel, from Turnersville, by way of McCormack's Meeting-house, to the Danville and Hustonville Turnpike, at a point at or near Vandever's, the route to be fixed by the president and directors of said road.

Commissioners.

§ 2. That Dr. George Hunn, Isaac Shelby, John Shelby, Levi Hubble, J. F. Moore, and Richard Cobb, are hereby

appointed commissioners to open books for the subscription of stock to said company, any three of whom may act. 1876.

§ 3. The capital stock of said company may be fixed by the president and directors of said company, not to exceed in amount that which may be actually necessary to construct said road, and divided into shares of fifty dollars each. Capital stock.

§ 4. That the books for the subscription of stock in said company may be opened at such times and places, under the direction of the commissioners above named, as they may deem proper, after due notice.

§ 5. That so soon as a sufficient amount of stock shall have been subscribed to justify the commencement of said road, the commissioners aforesaid, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their office for one year, and until their successors are duly elected and qualified. That upon the election and qualification of said president and directors of said company, they shall be a body-politic and corporate, under the name and style aforesaid; and by said name shall have perpetual succession, may sue and be sued, hold, acquire, and convey all necessary real and personal property for the purpose of constructing said road and keeping it in repair, and have all other privileges and franchises incident to a corporation. Officers—when elected.

§ 6. That the grade of said road, as to its elevation and the width of the road-bed, shall be fixed by the president and directors of said company, the county court of Lincoln county concurring therein. Corporate powers.

§ 7. That the county court of Lincoln county may subscribe stock in said company, not to exceed five hundred dollars to the mile, as said court has heretofore subscribed for other roads; said subscription shall only be made when a majority of the parties in commission for said county are present. If a subscription be made, said court shall make a levy upon the taxable property of said county for its payment, which tax shall be collected as other taxes are.

§ 8. That all the provisions of the act creating the charter for the Danville and Hustonville Road, from the first to the thirty-fifth, both inclusive, are made parts of this act, so far as they can be made applicable to this road, and not inconsistent to the provisions of this charter.

1876. § 9. This act shall take effect and be in force from its passage.

Approved March 16, 1876.

CHAPTER 754.

AN ACT in aid of the common schools of Grayson county.

WHEREAS, It appears, from vouchers filed, that N. C. Tilford, late common school commissioner for Grayson county, has paid out a surplus fund to various school districts in said county for the years 1872-'3, amounting to the sum of one hundred and seven dollars and eight cents, and which sum he has refunded to the Auditor of Public Accounts by order of the Superintendent of Public Instruction; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioner of Grayson county draw his draft upon the Auditor of Public Accounts, which, when countersigned by the Superintendent of Public Instruction, shall entitle N. C. Tilford to a warrant upon the Treasury for the sum of one hundred and seven dollars and eight cents, to be paid out of the interest of the Grayson county school bond due for the school year ending June 30th, 1877.

§ 2. This act shall take effect from and after the first day of January, 1877.

Approved March 16, 1876.

CHAPTER 755.

AN ACT to further amend the several acts in relation to the town of Carlisle, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees.

Their powers.

§ 1. The board of trustees of the town of Carlisle shall have power and authority to assess annually, levy, and collect a tax on all real and personal estate within the limits of said town which is required to be given in for State taxation, not exceeding fifty cents on each one hundred dollars' worth of property. They shall have power to levy and collect an

annual poll-tax on each free male inhabitant over the age of twenty-one years of not exceeding two dollars. 1876.

§ 2. They shall have power and authority to tax all theatrical performances, concerts, circuses, shows, and exhibitions of any kind whatever, in any sum not exceeding twenty dollars for each day the same shall be exhibited or performed within the limits of said town, or within one half mile of the limits of said town, and may, by ordinance or by-law, affix a penalty for failure to pay said tax, and the costs of prosecution.

§ 3. They shall have power and authority to tax all gift enterprises set up in said town, and all goods, wares, merchandise, notions, nostrums, patent or other medicines, sold in any house, booth, stall, or in any street, alley, or lot within the limits of said, by any person other than a citizen of town, in a sum not exceeding five dollars for each day any of the above named articles shall be so sold; and may affix a penalty for a failure to pay said tax in any sum not exceeding ten dollars, and the costs of prosecution.

§ 4. They shall have power and authority to tax auctioneers in any sum not exceeding five dollars for each day goods, wares, or merchandise shall be sold to bidders at public auction in said town, and shall have a lien on such goods, wares, or merchandise so sold, or to be sold, for said tax. They shall have power to license all auctioneers, and fix the amount of said license; and no one shall presume to act as auctioneer in said town unless said license shall be first obtained. They may affix penalties for failure to comply with the provisions of this section in any sum not exceeding twenty dollars, and costs of prosecution.

§ 5. Said board of trustees shall, at the first meeting after their election, and annually thereafter, appoint a town marshal, a town assessor, a town attorney, and a town treasurer, and take from the marshal and assessor bonds, with good surety, for the faithful performance of their respective duties, and requiring them to pay over all money, taxes, or dues of any kind collected by them to the proper persons or authorities. The town marshal shall, by virtue of his office, be town collector; and the town attorney shall be *ex officio* clerk of the board of trustees of said town. Town officers.

§ 6. The town collector shall, from and after the day he receives the tax-book in each year, proceed to collect the Collector—how to collect.

1876. taxes due said town; and upon failure of the persons bound therefor to pay the same, may distrain the personal property owned by or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon the same; and may proceed to sell the title of such person in so much thereof as will pay the taxes due from him and costs and expenses of sale. The sale must be made for cash, and be made at the court-house door in said town on the first day of some county court. The terms, time, and place of sale shall be advertised by written or printed notices, posted up at said court-house door ten days previous to the day of sale. If the collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

Penalty for non-payment of taxes

§ 7. On all taxes due to said town, not paid to the collector by the 31st day of December in each year, there shall be added, as penalty, ten per cent. on the amount due, to be collected and accounted for by the collector as other taxes.

Collector may sell property for taxes.

§ 8. If there be no personal property which the collector can distrain for tax due on real estate within said town, or if the personal property be insufficient to pay the whole of said tax, and the owner or owners of such real estate shall fail to pay said tax on the 31st day of December of the year in which the same is due, the collector shall, on the first day of some county court held in and for Nicholas county, at the court-house door in said town of Carlisle, and from day to day until completed, proceed to sell such real estate, or so much thereof as may be necessary to pay the tax thereon, together with the ten per cent. penalty in the next preceding section specified, and the costs and expenses of sale, at public auction, to the highest bidder, for cash. The terms, time, and place of sale, together with a description of such real estate, and the name of the owner or owners, or occupants thereof, and the amount of tax and penalty due thereon, shall be advertised by printed notices posted up at the court-house door in said town, and at five other public places in Nicholas county, twenty days previous to the day of sale.

§ 9. The collector shall, so soon as practicable, after making sale of any property for taxes, make a full report of his proceedings to the board of trustees, including in said report a list of the property sold, and the names of the owners or

occupants of said property, names of the purchasers, amounts for which the property was sold, and a description of said property; and he shall also hand in with his report a copy of the advertisement, together with an affidavit of some disinterested citizen of Nicholas county, stating that said advertisement was posted up as required by this act and the ordinances of said town, in relation to the sale of property for taxes, which affidavit shall form a part of the collector's report.

1876.

§ 10. All real estate sold by the collector for taxes may be redeemed by the owner, or his representative, at any time within two years from the day of sale, by paying to the purchaser, or his representative, the purchase money, and fifteen per cent. per annum from the day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser, or his representative, for the redemption money, and lodge the same with the clerk of the said board of trustees, to be filed with the collector's report of sale. If the purchaser, or his representative or assignee, does not reside in Nicholas county, or cannot be found therein, the owner of the property, or his representative, may make affidavit of the fact, and pay the amount of the purchase money, with the interest aforesaid, to the town collector, which affidavit and receipt shall be lodged with the clerk aforesaid to be filed with the collector's report of sale: *Provided*, Infants shall have one year after arriving at full age to redeem their real estate, upon the same terms and in the same manner as herein provided for persons of full age.

Forfeited property redeemable.

§ 11. The town collector who sells real estate for taxes, or his successor in office, must convey, by deeds, the title sold to the purchaser or his assignee, or his heirs or devisees, if the same is not redeemed as provided in this act; and said collector making the sale may make said deed after his term of office has expired. The deed shall be acknowledged before the clerk of the Nicholas county court, and be recorded in his office, and shall pass to the purchaser a perfect title.

Collector to make deeds to purchaser.

§ 12. If any person bound for tax for said town shall be insolvent, or shall remove out of the county of Nicholas with his estate after he was assessed for tax, and before a sufficient time to collect it has elapsed, the collector shall, at the regular meeting of said board of trustees in January, return a list of

1876. such persons, and the amount of tax assessed against them, and whether they have removed or are insolvent, and make oath to the same, which list said board of trustees shall examine; and said board may strike therefrom the names of those whose taxes could have been collected by the exercise of reasonable diligence upon the part of the collector, and for the balance of tax due on said list, the collector shall be entitled to a credit in his settlement with said board of trustees.

Trustees may
cause improve-
ment of streets.

§ 13. Said board of trustees shall have full power and authority, by ordinance, to direct and require the owners of lots and parts of lots in said town, when said lots or parts of lots front upon a street or alley, to cause the sidewalks in front of their respective lots to be paved with such materials and of such width and in such manner and at such elevation as said board may deem expedient, and also full power to require the owners of such lots or parts of lots fronting upon a street or alley of said town to repair and improve the sidewalks in front of their respective lots or parts of lots in such manner and of such material as they may deem expedient; and if the owner or owners of such lots or parts of lots shall fail to have such sidewalks repaired or paved within the time and in the manner prescribed by said board, said board may have such sidewalks paved or repaired at their own expense, and the costs and charges thus incurred shall be paid by the owner or owners of the lot or fraction of lot in front of which the sidewalk has been paved or repaired, and said costs and charges may be recovered in the name of the board of trustees of the town of Carlisle in the police court of Carlisle, if the sum of said costs and charges does not exceed fifty dollars, and if over that sum, by suit in the Nicholas circuit court in the name of said board; and said board of trustees shall have a lien upon the lot or lots, part of lot or lots, in front of which said board has caused the sidewalk or sidewalks to be paved or repaired, for the amount of costs and charges thus incurred. Written notice of the adoption of the ordinance requiring the paving and repairing of sidewalks shall be served on the owner or occupant of the lot or fraction of lot in front of which such sidewalk is required to be paved or repaired, by such officer as said board may designate. Said officer shall serve said notice by delivering a true copy thereof to such owner or occupant, and he shall return the original,

properly indorsed as to the manner in which he executed it, to the clerk of said board of trustees, who shall enter the same upon the record-book of said board, and such record shall be *prima facie* evidence that said notice was given, and an attested copy of said record may be used in the trial of any cause, and shall have the same force as copies of records attested by a county court clerk now authorized by law. 1876.

§ 14. That said board of trustees shall have power and authority to clear the streets, alleys, sidewalks, and passways in said town of all obstructions, and to erect cisterns, wells, and pumps; they shall have authority to regulate the storage or removal of any combustible or unwholesome article or material that may tend to injure the health or diminish the comfort of the citizens of said town, or the security of their property; they shall have power and authority to cause any chimneys, flues, stovepipes, or fire-places to be changed and repaired, so as to remove the cause of insecurity, should any exist; they shall have the power and authority to cause the owners or occupiers of property to keep the sidewalks, streets, and alleys in front of such property clear and free from dirt, filth, and all obstructions; and in all cases enumerated in this section, when the person who should do so fails or refuses to obey or comply with the direction given in relation thereto by said board of trustees, said trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who should have complied with the directions in relation thereto, and may be recovered by said board of trustees by a warrant for the same before the judge of the police court of Carlisle, or by suit in the Nicholas circuit court.

§ 15. That the legal title to all the streets and alleys in said town, and to all the estate which now does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees, and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions for any injury done to the same, and may in like manner maintain and carry into judgment and execution any appropriate action or actions for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same, and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided, however,*

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That in all cases thus instituted, in which the trustees do not sue for a specific penalty, the jury shall not be limited in their verdict by the amount of any specific penalty annexed to the offense for which the suit is brought, but shall be governed by the same discretion which regulates verdicts in suits between private individuals: *And provided also*, That in all such cases, when the damages are laid at a sum not exceeding fifty dollars, the police court of Carlisle shall have jurisdiction to try the same; and when laid at an amount over that sum, the same shall be tried in the Nicholas circuit court.

§ 16. Said board of trustees shall have power and authority to establish a town work-house, and appoint a watchman, warden, or overseer to superintend the same; and such officer shall have power and authority to apprehend all persons violating the by-laws or ordinances of said town, and take them before the proper tribunal, to be dealt with according to law.

Penalty for violation of ordinances, &c.

§ 17. All persons convicted of violating any of the by-laws or ordinances of the town of Carlisle, and failing to pay the fines therefor assessed against them, and the costs of prosecution, shall be confined in the town work-house at hard labor, or in the county jail of Nicholas county, until the fines assessed against them, and the costs of prosecution, are discharged, at the rate of one dollar per day: *Provided*, That until said work-house is erected, said persons so convicted may be compelled to work upon the streets, alleys, or lots within the limits of said town, or in the yard of the county jail aforesaid, in suitable weather, during the day, and be confined in said jail at night, until the fines and costs as aforesaid assessed against them are discharged at the rate of one dollar per day: *Provided also*, That no person shall be committed to the work-house, nor compelled to work upon the streets, alleys, or lots as aforesaid, who offers to and does pay the fine imposed, together with the costs of prosecution; nor shall any one be detained in said work-house or jail after the payment of the fine and costs assessed him.

Assistant marshal.

His duties.

§ 18. Said board of trustees shall have the power and authority to appoint an officer, to be styled "Assistant Marshal of Carlisle," and to remove him at any time. Said assistant marshal shall perform the duties of a day watch or a night-watch, as said board may direct. He shall have authority to apprehend all violaters of the ordinances and by-laws of said

town, and take them before the proper tribunal, to be dealt with according to law, and all drunken or disorderly persons, apprehended by him in the night time in the town work-house or in the county jail, until the ensuing morning. Said assistant marshal shall have the same power, and authority to execute all warrants or other process issued by the judge of the police court of Carlisle, or by any justice of the peace; in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees of Carlisle, and the same power and authority to perform all other official acts in matters wherein said board of trustees of the town of Carlisle is interested, that the marshal of the police court of Carlisle is by law authorized to do or perform; and he shall receive the same fees for like services that the marshal of said police court does. Said board of trustees may by ordinance require that in all prosecutions instituted for the use and benefit of the trustees of Carlisle, before the judge of the police court of said town, or before a justice of the peace, the warrant, execution, or other process shall be directed to, delivered to, and executed by, said assistant marshal, instead of the marshal of the police court of Carlisle. Said board shall have authority to take a bond from said assistant marshal, in a sum not less than five hundred dollars, with good sureties, conditioned for the faithful performance of the duties of his office. For a failure to perform and discharge any of the duties required of said assistant marshal, he and his sureties shall be liable to the same proceedings which may be had against the marshal of the police court of Carlisle, and to the payment of the same damages for the non-performance of his duties that the marshal of the police court of Carlisle and his sureties are liable to pay.

§ 19. Said board of trustees shall have full power and authority to pass by-laws and ordinances for the prevention and punishment of affrays, assaults, batteries, riots, routs, breaches of the peace, unlawful assemblies, disturbances of religious worship, and all cases of immoral or indecent behavior, or conduct calculated to disturb the peace or good order of said town; to pass by-laws for the punishment of drunkenness, indecent exposure of person, profane swearing, running horses or mules through the streets of said town, fast driving or riding through said streets, firing guns or pistols

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within the limits of said town, making report by firing powder or crackers, blowing horns, crying aloud, either by day or night, or making any unusual or unnecessary noise, and all other riotous or boisterous conduct whatever in said town, Said board shall have power and authority to prevent, abate, and remove all nuisances within said town, at the cost and expense of the owners or occupiers, or of the parties upon whose ground said nuisances exist; and to define and declare by ordinance what shall be a nuisance within said town; and to punish by fine any person for keeping, causing, erecting, or committing a nuisance within the limits of said town; to make regulations to secure the general health of the inhabitants of said town; to provide for the prevention of breaking or training horses or mules, or exhibiting stallions or jacks in the streets or alleys of said town, and affix a penalty therefor; to pass by-laws for prohibiting cattle, hogs, and other stock from running at large in the streets or alleys of said town, and affixing penalties for the breach thereof. Said trustees shall have all power granted to trustees of towns by the general laws of this State.

§ 20. Said board of trustees shall have full power and authority to pass by-laws prohibiting the sale of spirituous, vinous, or malt liquors, in any quantity whatever, within the limits of said town upon Sunday, and affix penalties for the infraction of the same within their discretion.

§ 21. Said board of trustees shall have power and authority to assess an annual tax of not less than ten dollars, nor more than fifty dollars, upon each and every tavern that may be licensed within the limits of said town by the county court of Nicholas county; and to assess a tax of not less than five dollars, nor more than thirty dollars, upon each merchant who may obtain a license from said county court to sell spirituous liquors by the quart within the limits of said town for each year that said license may be granted. Said trustees may also assess an annual tax of not less than five dollars, nor more than twenty dollars, upon each beer saloon within said town. Said board of trustees shall have power and authority, by ordinances or by-laws, to enforce a collection of the taxes authorized by this section.

§ 22. The regular meetings of said board of trustees shall be the first Monday in each month; and they shall receive a compensation of two dollars each for each regular meeting

Meetings of
board — when
held.

they may attend: *Provided*, Said board of trustees may hold special meetings, if, in their judgment, the same should be necessary; but they shall receive no compensation for their attendance upon said special meetings. 1876.

§ 23. Said board of trustees and the police judge of said town of Carlisle shall be elected at the same time, and in the same manner, as now prescribed by law, and hold their offices until their successors are elected and qualified. The police judge shall, by virtue of his office, be president of said board of trustees; and shall receive the same compensation for his services that each of said trustees may receive.

§ 24. Nothing in this act shall be construed to abridge or circumscribe any power or authority now granted by law to the police judge of said town of Carlisle.

§ 25. This act to take effect from and after its passage.

Approved March 16, 1876.

CHAPTER 756.

AN ACT for the benefit of J. W. Crain and others, of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Crain, and the firm of James W. Crain & Co., Enoch G. Shields, and E. G. Shields & Son, John A. H. Kerans, and Dr. L. J. Jones, of Fleming county, Kentucky, be, and they are, by this act released from the payment of State revenue for the years 1875 and 1876, they and each of them having had the entire property on which said revenue taxes were assessed consumed by fire.

§ 2. *Be it further enacted*, This act shall take effect from its passage.

Approved March 16, 1876.

CHAPTER 758.

AN ACT for the benefit of John Roberts, of Henry county.

WHEREAS, It is represented to the General Assembly of Kentucky that on the tenth day of May, 1875, an execution issued from the Henry criminal court in favor of the Commonwealth of Kentucky against N. Bryant and John Roberts,

1876. securities for O. Bryant upon a forfeited recognizance for the sum of five hundred dollars and costs, which was levied on the land of said Bryant and Roberts, in Henry county, and was sold on the second day of June, 1875, by the sheriff of Henry county, when the trustee of the jury fund became the purchaser thereof at the sum of five hundred and sixty-one dollars and ninety cents; and whereas, since said sale, to-wit, on the — day of July, 1875, the Governor of Kentucky has remitted so much of the said judgment, being one half, as to the said John Roberts, upon the payment by the said Roberts of all commissions, fees, and costs as to his part of the said case, and the same being paid by the said Roberts; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all claim and interest acquired by the Commonwealth of Kentucky under the sale aforesaid, as to the said John Roberts, be, and the same is hereby, released on his portion of the land so as aforesaid sold.

§ 2. This act to be in force from its passage.

Approved March 16, 1876.

CHAPTER 759.

AN ACT to incorporate the town of Spottsville, in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town established Name and style. Corporate powers.	§ 1. That the citizens of the town of Spottsville, in Henderson county, be, and are hereby, made a body-politic and corporate, under the name and style of the town of Spottsville, with full power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered, and to do and perform all such acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully do and perform. This town shall be laid off into necessary streets and alleys and lots of convenient size; and a plat of said town when so laid off shall be recorded in the office of the clerk of the Henderson county court.
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Boundary.	§ 2. The limits of said town shall be as follows, viz: Beginning at the mouth of the Rock Quarry branch, on Green
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river; thence up that branch as it meanders one hundred and sixty poles to a stake just above the residence of John Watkins; thence north sixty-one west one hundred and forty poles to a stake in John Harris' and Dr. G. Watkins' line; thence with said Harris' and Watkins' line north twenty-nine east thirty poles to a small white oak and two black oaks, corner to said Harris and Watkins and G. M. Stephens; thence with the said Harris' and Stephens' line north sixty-one west thirty-seven poles to a stake in Mary E. Easton's [and] M. W. Cheaney's line, and corner to William Stoner's lot; thence with the line of said Stoner's lot north twenty-eight and three fourths east fifteen poles to a stake, corner to said Stoner; thence with the line of said Stoner south seventy-seven and one fourth west fifty poles to a stake on the branch running through the Cheaney field, and corner to George Ivy's lot; thence down said branch as it meanders so as to include the lots sold off by M. W. Cheaney ninety poles to a stake in G. Rankins' line, and corner to Patrick McGuire's lot; thence with the said Rankins' and McGuire's line forty poles to a stake on the bank of Green river, corner to said Rankins; thence up Green river as it meanders to the beginning.

1876.

§ 3. That John Watkins, Tilman Shiver, R. Sidney Easton, and Austin Crenshaw be, and are hereby, appointed trustees of said town, who shall appoint one of their number president of the board, and shall continue in office until their successors are elected.

Trustees.

§ 4. On the first Tuesday in June, 1877, and on the same day in each succeeding year, an election shall be held in said town for the choice of four trustees, and all persons shall have a right to vote for trustees of said town who are male inhabitants thereof, who have attained the age of twenty-one years. Said trustees, when elected, shall have the same powers and authority which trustees of other towns of this Commonwealth possess under the general laws regulating towns.

When elected.

§ 5. They shall take the oath truly and faithfully to perform the duties enjoined on them by law as trustees. Said trustees shall meet and choose from among their number a president of the board, who shall hold his office until the next annual election, and whose duty it shall be to convene the trustees from time to time, to preside at their meetings, and

Shall take oath.
Clerk.

1876.

Term of office.

to sign all ordinances and by-laws by them passed and enacted. Said trustees shall also elect a clerk, who shall continue in office for one year, whose duty it shall be to preserve and safely keep all papers belonging to or filed with said board, and shall attend the meetings thereof, and record all their proceedings in a book to be procured by said board for that purpose, and shall sign the same as such clerk, and shall copy and certify all records and ordinances when necessary. Said trustees shall have power to appoint a treasurer, who shall keep the funds of said town safe, and pay the same over, by order of said board, to such person or persons as he shall be directed. Said board may require bond and security of said treasurer.

May assess tax.

§ 6. Said trustees shall have power to assess a poll-tax on the legal tithables of said town not to exceed one dollar and fifty cents, and levy an ad valorem tax on the real and personal estate within said town that is now taxed by the revenue laws of the Commonwealth, not to exceed thirty-five cents on each one hundred dollars' worth of property. Said trustees shall have power to appoint annually an assessor, who shall be sworn to the faithful and impartial discharge of his duty.

Assessor—his duty.

It shall be the duty of said assessor to make out and furnish to the said trustees, at such times as they may appoint, lists of the taxable property of each individual in said town, with the value attached thereto, and also a list of the lots, and the value thereof, which belong to individuals who do not reside in said town; they shall also have power to appoint a collector annually to collect the taxes assessed on the taxable property and tithes in said town, who shall give bond and security to the trustees of said town for the faithful performance of all his duties. Said collector shall have power, if necessary, to collect and coerce the payment of all the taxes assessed by the trustees of said town by distress and sale in the same manner as is now authorized by law in regard to sheriffs in collecting the revenue and county levy in this Commonwealth. Said trustees shall allow to said treasurer, assessor, and collector an adequate compensation for their services.

Police judge—
how and when
elected.

§ 7. A police judge shall also be elected by the qualified voters of said town on the first Tuesday in June, 1876, and every second year thereafter, and on the first Tuesday in June, 1876, and every second year thereafter, a town marshal. Said police judge shall be commissioned by the Governor; he

shall have jurisdiction of all cases arising in said town for a violation of any of the ordinances thereof, and shall be entitled to the same fees for similar services with justices of the peace. The town marshal shall execute bond to the trustees for the faithful discharge of the duties of his office, with usual conditions contained in a constable's bond, in such penalty as they may prescribe; he shall have the same powers and jurisdiction in said town as are conferred by law upon constables, be entitled to the same fees for similar services, and be responsible in like manner.

1876.

Town marshal shall give bond.

§ 8. Vacancies in the office of trustee may be supplied for the remainder of the term by appointment of those remaining; but vacancies in the office of police judge and town marshal shall be filled by an election for the remainder of the term by the qualified voters of said town, at such time as the trustees may appoint, after at least ten days' notice thereof shall have been by public advertisement at three of the most public places therein.

Vacancy—how filled.

§ 9. A majority of the trustees shall constitute a quorum for the transaction of business; and absence of the president elect, the trustees may choose of their number as president *pro tem.*, whose act shall have the same force and effect as those of the president.

Quorum—what constitutes.

§ 10. It shall be the duty of the trustees of said town to have the streets and passways of said town kept in good repair, and appoint a superintendent of streets and roads within the limits of said town; and make such contract for this purpose with such superintendent as they may think proper for the working of the same; and shall have power to prescribe the time and manner of working said streets, roads, and passways; and may require every male inhabitant of said town, between the ages of sixteen and forty-five years, to work on the same, or pay such tax in lieu thereof as they may prescribe; and when the county roads passing through said town are kept in order by said trustees, as above provided for, the inhabitants of said town shall not be required to pay any road tax other than the tax provided for in this act.

Trustees may improve streets, &c.

§ 11. The limits and boundaries of said town shall be ratified by a majority of the property-holders in said town, over their signatures, which shall be recorded along with the plat in the office of the Henderson county court, which shall make

1876. the act of corporation binding upon all persons within said limits, and shall fix said limits.

§ 12. Any vacancy which may occur in those offices which are of the trustees' appointment may be supplied by them.

Clerk may fill other offices.

§ 13. The trustees may appoint their clerk elect to fill, in addition to his own office, the offices of assessor, collector, and treasurer, or they may elect a different person to fill each of the offices of clerk, assessor, collector, and treasurer.

§ 14. All acts or parts of acts in conflict herewith are hereby repealed.

§ 15. This act to take effect from and after its passage.

Approved March 16, 1876.

CHAPTER 760.

AN ACT to provide for the levy and collection of a tax upon dogs, and to protect the rights of the owners thereof in certain counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amount of tax.

§ 1. That an annual tax of one dollar per head on dogs, and three dollars per head on bitches, be, and the same is hereby, impleaded upon all dogs within the counties hereinafter named, to be paid by its owner or keeper of such dog or dogs as hereinafter provided.

List of number and sex to be furnished the assessor.

§ 2. It shall be the duty of every housekeeper of this Commonwealth, in listing his property for taxation in each year, to furnish to the assessor a statement of the number and sex of all dogs owned by him or her, or by any member of his or her family, and also of all dogs kept on his or her premises by any person in his or her employ; and any person or persons who shall fail or refuse to furnish such statement to the assessor, or who shall give to the assessor a false or incorrect statement, shall be subject to all the pains and penalties prescribed by law for a like failure, refusal, or neglect in respect to other taxable property, and the like pains and penalties for a false or incorrect list as are prescribed by law in regard to other taxable property.

Penalty for failure or refusal.

Assessor liable.

§ 3. That the assessor who shall fail or neglect to make and return a full and correct list of dogs as above provided, shall be subject to the same pains and penalties as are now pre-

scribed by law for a like failure in regard to any other taxable property. The assessor shall receive five cents per each dog listed by him under the provisions of this act, to be paid out of the funds arising from the tax hereinafter imposed.

1876.

§ 4. That it shall be the duty of the sheriffs of this Commonwealth to collect the taxes upon dogs, as herein provided, in the same manner and under the same liabilities as prescribed by law in respect to taxes upon any other taxable property, and he shall have the same remedies for the coercion of the payment of taxes on dogs which are prescribed in regard to taxes upon any other property, and he shall be entitled to the same commissions for the collection of the tax on dogs, as herein provided for, as he is now entitled by law to receive for the collection of its revenue.

How tax is to be cte

§ 5. That if any person or persons shall fail or refuse to pay the taxes upon his or her dogs so listed, or if such taxes cannot be collected of any person or persons by the sheriff, it shall be the duty of the sheriff to report the names of such delinquents to the county judge of his county, who shall issue a warrant or warrants against such delinquents for the amount of their respective taxes, in the name of the Commonwealth; and if, upon a return of said warrant, and a regular trial thereof, as in other cases, it shall be found that such person or persons are justly indebted for the amount of taxes claimed, or any part thereof, it shall be the duty of its county judge to enter judgment therefor. Whenever any person against whom an assessment of a dog or dogs is made shall refuse or fail to pay the tax on said dog or dogs, it shall be the duty of the sheriff to levy upon the said dog or dogs and sell the same for the taxes due; and if no person shall bid the amount of said taxes, then the sheriff shall bid the said tax for the county, and shall proceed to kill the dog or dogs on which he has bid the tax; and shall receive for such service fifty cents per each dog so killed.

Sheriff to report delinquents.

§ 6. All dogs upon which the taxes are paid in accordance with the provisions of this act shall be deemed to be property, and for any injury thereto, or for any violation of the rights of ownership thereof, the owner or keeper of such dog or dogs shall be entitled to like remedies as he is now entitled to under the law in respect of any other property.

§ 7. All moneys collected by the sheriff under the provisions of this act shall be paid by them as they are now required by

Sheriff—his duty.

1876. law to pay the county levy, and shall be applied, after deducting the amount of fees and commissions hereinbefore provided for, to decreasing the county levy.

§ 8. This act shall apply only to the counties of Owen, Carroll, Pendleton, Harrison, Boone, Bracken, Scott, Grant, Garrard, Livingston, Crittenden, Lyon, Marshall, Mason, Jefferson, Mercer, Christian, Calloway, Bell, Shelby, and Lincoln: *Provided*, That as to said last named county the provisions of this act shall in no wise affect the existing law imposing a tax on dogs in the city of Lexington.

§ 9. This act shall take effect from its passage; but shall not apply to city of Louisville and the city of Covington.

Approved March 16, 1876.

CHAPTER 761.

AN ACT to incorporate Hawesville Lodge, No. 91, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

<p>Corporators. Name and style.</p>	<p>§ 1. That Wm. S. Roberts, Wm. Goering, David R. Murray, and E. P. McAdams, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Hawesville Lodge, No. 91, Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession; and by that name</p>
<p>Corporate powers.</p>	<p>are made capable in law as natural persons, sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in</p>
<p>Common seal.</p>	<p>this Commonwealth; to make, have, and use a common seal and the same to break, alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper; and may change and renew the same at pleasure: <i>Provided</i>, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of this State or of the United States.</p>
<p>May acquire and hold real and personal estate.</p>	<p>The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty</p>

thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter amend, or repeal this act is hereby reserved to the General Assembly of Kentucky.

1876.

Approved March 16, 1876.

CHAPTER 762.

AN ACT conferring certain powers on the board of trustees of the town of Hazelgreen, in Wolfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whenever in the opinion of a majority of the board of trustees of the town of Hazelgreen, in Wolfe county, the public convenience may require it, the said board may, at any regular meeting, require any street, alley, road, or highway to be opened, laid out, extended, changed, straightened, or altered, first obtaining the consent of the owners of the land through or over which said street, alley, highway, or road may run, either by purchase, donation, or by writ of *ad quod damnum*; and if the right of way cannot be obtained by purchase or donation, said trustees shall have the right to have the same condemned according to the provisions of the General Statutes for the condemnation of land for turnpike roads.

May open or
repair streets, &c

Right of way.

§ 2. This act shall take effect from its passage.

Approved March 16, 1876.

CHAPTER 763.

AN ACT to amend an act, entitled "An act for the benefit of turnpike roads in Scott county," approved March 21st, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of turnpike roads in Scott county," approved March 21st, 1872, be, and the same is hereby, amended as follows, to-wit: By striking out in the third line of the first section of said act the words "in the exercise of his discretion," and inserting in lieu thereof the following: A majority of the justices of said court being present and concurring therein.

1876. § 2. This act shall take effect effect and be in force from and after its passage.

Approved March 16, 1876.

CHAPTER 764.

AN ACT to provide for the levy and collection of a tax on dogs, and protect the rights of the owners thereof in Fayette and other named counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

How tax is to be collected.

§ 1. That within the counties hereinafter named an annual tax of one dollar per head on male dogs, and two dollars per head upon bitches, shall be, and is hereby, levied upon all dogs over four months old at the time of their assessment, as hereinafter provided, within said counties; such tax to be assessed, collected, and paid into the county treasury as other personal property is assessed and other county revenue collected and paid as now provided by law, except as hereinafter provided; and every housekeeper in said counties shall, in listing his or her property for taxation in each year, furnish to the assessor a sworn statement of the number and sex of all dogs kept on his or her premises, whether owned by said housekeeper or not, and all other owners of dogs in said counties shall list the same for taxation in like manner as to the dogs owned by them; and for a false or fraudulent list, or a failure, refusal, or neglect to furnish the same, the person so offending shall be subject to the penalties as now prescribed by law in respect to other taxable property.

List to be furnished to assessor

Penalty.

How assessor's failure of duty is to be punished.

§ 2. Any assessor who shall fail to make and return a full and correct list of dogs as herein provided shall be subject to the same pains and penalties as are now prescribed by law for a like failure in regard to other taxable property; and for each dog listed by him, in the owner's name, under the provisions of this act, the assessor shall be paid five cents out of the fund arising from the tax hereinbefore imposed.

How tax is to be collected.

§ 3. The several sheriffs of said counties shall collect said tax in their respective counties under the same liabilities, within the same period, in the same manner as now provided by law in respect to taxes upon other personal property, and shall have the same commission for the collection thereof as

is now prescribed by law in relation to other taxes for county purposes.

§ 4. The tax herein levied may be paid in scalps according to the following schedule: For each wolf scalp, three dollars; wild cat, two dollars; and red or grey fox, one dollar and fifty cents: *Provided*, That the person claiming the benefit thereof shall make oath before a justice of the peace within said county that each scalp so offered in payment of the tax was taken from an animal killed by means of his dogs. The justice shall thereupon give to said owner a certificate as to the number and character of such scalps, which certificates shall be received by the collector of such taxes, at the rate and value above specified, in payment thereof, and credit shall be given such collector for all such certificates as may be returned by him in his settlement with the county treasurer.

Tax may be paid in scalps.

§ 5. Every owner of a dog thus listed may keep on such dog a collar, with his name thereon; and any person who shall remove, injure, or destroy such collar, or wantonly or unlawfully injure or kill such dog, shall be liable to a fine of not less than ten dollars for each offense, recoverable before any justice of the peace of said county. All dogs found at large, without such marks of ownership, may be killed by any one, and it is made the duty of police officers and constables to kill the same. Any person having upon his premises any dog on which the tax is due and payable, and which has not been paid within the time fixed by law for the payment of the revenue, whether he be the owner of such dog or not, shall be fined twice the amount of the tax so due.

Owner may use collar for dogs.

Penalty for its removal.

§ 6. Every dog on which the tax provided for by this act shall have been paid, and every dog taxable under this act, which shall have been duly listed for taxation, and which shall have been marked as in the preceding section, shall be, and is hereby declared to be, personal property, and shall be protected as other personal property is now protected by law, and any theft of or malicious injury to such dog shall be punishable as in the case of the larceny or malicious injury of other personal property provided for by law.

Dogs taxed are personal property.

§ 7. Every person who shall have possession of any dog liable to taxation under this act for any year, after such person has given in his list, and which has not already been

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listed by another in said year, shall, within ten days after coming into such possession, list such dog with the clerk of the county court, and within five days thereafter pay the tax due thereon to the collector of said county.

§ 8. Every person harboring any dog liable to tax upon his premises, whether he be the owner thereof or not, shall be liable for all the damages done by said dog; and upon the said damages being recovered, if the same remain unpaid, if the person so harboring said dog shall continue to harbor him, he shall be subject to a fine of one dollar for each day he shall permit such dog to remain upon his premises.

Dogs may be
levied on.

§ 9. Whenever any person against whom an assessment of a dog or dogs is made shall make default in listing the same, or shall fail or refuse to pay the tax due thereon, it shall be the duty of the sheriff to levy upon such dog, and sell the same; and if no person shall bid the amount of said tax, then the sheriff shall proceed forthwith to kill said dog, and shall receive therefor the sum of fifty cents for each dog so killed by him, to be paid out of the tax levied by this act.

§ 10. This act shall apply to the counties of Fayette, Bourbon, Clark, Montgomery, Marion, Washington, and Woodford, and shall be in lieu of all other taxes on dogs within said counties, except that nothing herein contained to alter or change the existing laws imposing a tax on dogs in the city of Lexington, nor shall the same prevent or prohibit the levy of an additional tax on dogs for municipal purposes by the proper authorities of any of the incorporated towns or cities in said counties.

§ 11. This act shall take effect from and after January 1, 1877.

Approved March 16, 1876.

CHAPTER 765.

AN ACT to incorporate the Princeton Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That F. W. Darby, P. H. Darby, H. F. McNary, and James A. Carr, of Caldwell county, Kentucky, and their associates and successors and assigns, are hereby incorporated and created a body-politic for the period of thirty years from

the passage of this act; that the corporate name of said corporation shall be "Princeton Bank;" that by said corporate name said corporation may transact its business, contract and be contracted with, sue and be sued, plead and be impleaded; in all courts. The said corporation may have a corporate seal, and change the same; and its principal place of business shall be in the aforesaid county.

1876.

Name and style.

Corporate powers.

§ 2. The business of said corporation shall be banking; and it may deal in, buy and sell, bills of exchange, promissory notes, evidences of debt, bonds, government vouchers, gold and silver; may receive mortgages upon property to secure the payment of indebtedness to it; may purchase and receive conveyances of any property which may be sold under judicial proceedings in satisfaction of any demand in its favor; may acquire and hold any property which may be necessary in the transaction of its said business; and may mortgage, sell, and convey any and all property which may be so conveyed to or acquired by it; and may borrow money, and may loan money at any rate of interest not exceeding the legal rate.

§ 3. The capital stock of said corporation shall be three hundred thousand dollars, divided in shares of one hundred dollars each, and may be increased by the stockholders to five hundred thousand dollars. Each of the persons named in the first section hereof may receive subscriptions to said capital stock; and when such subscriptions shall have been made to the extent of thirty thousand dollars, any one of said persons may give notice thereof to the subscribers, and appoint a day, not more than twenty days distant, for such subscribers to meet to elect a board of directors, composed of five persons, to manage the business affairs of said corporation. The town of Princeton, Kentucky, shall be the place of such election.

Capital stock.

§ 4. The business affairs of said corporation shall be controlled and managed by a board of directors, and by such officers and agents as said board of directors may appoint. The said board of directors may make all needful rules and regulations for the management of the affairs of said corporation; may make by-laws not inconsistent with the laws and Constitution of the States of Kentucky or of the United States; may prescribe the mode, time, and place of electing directors, and the length of time directors shall hold their

Directors.

May make by-laws.

1876. ^{Vacancy—how filled.} offices, and the manner of filling vacancies in said board; may receive subscriptions to said capital stock, and prescribe the time and manner of paying for the same. The first board of directors shall hold their office for the period of one year from the time of their election, and until their successors shall have been duly elected and qualified.

^{When to commence business.} § 5. The said corporation may commence business when thirty thousand dollars of its capital stock shall have been paid for. The said capital stock shall be deemed personalty, and the same may be sold by the holder thereof, and may be transferred in such mode as the board of directors may prescribe. The stockholders in said corporation shall not be liable individually for its debts or liabilities. Said corporation shall not make or issue any certificate, note, bill, or other paper to circulate as money.

§ 6. This act shall be in effect from its passage, and may be modified or repealed by the Legislature.

Approved March 16, 1876.

CHAPTER 766.

AN ACT to amend an act authorizing a portion of the Jamestown magisterial district, in Campbell county, to be taxed to purchase the Newport and Dayton Turnpike, and to bridge Taylor creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the board of supervisors of the county of Campbell, at their annual session, to examine the tax-books of the assessor of the lands listed within the sub-district of the Jamestown magisterial district to be taxed to pay the bonds issued by authority of the act to which there is an amendment, and the interest thereon, for the purpose of paying for the purchase of the Newport and Dayton Turnpike Road, and the erection of a bridge over Taylor creek, as provided for in an act approved the 21st day of April, 1873, and to which this is an amendment, and they shall annually hereafter, including the year 1876, levy a tax on all the real estate within said district, the boundary of which was fixed by an act approved the 20th day of February, 1874, for the following purpose, to-wit:

First. A tax that shall be sufficient to pay the annual interest on said bonds as said interest shall mature, as evidenced by coupons attached to said bonds.

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Secondly. At the same time to levy an additional tax to form a sinking fund, which fund shall be loaned out from year to year to pay off said bonds and interest when they shall finally mature and become due, and also to pay all necessary expenses of loaning said money and paying off said coupons and bonds by the commissioner of the sinking fund, to be appointed as hereinafter provided for by this act.

§ 2. The board of supervisors shall carefully examine the tax-book of the assessor, with the surveyor's plat of the district aforesaid, and if any lots or tracts have been omitted, they shall have the same power to correct any errors of the assessor, in fact or in relation to valuation or otherwise, as now provided for by law regulating the duties of the board of supervisors.

§ 3. All lands outside of the cities of Dayton and Bellevue proper, and within the said sub-magisterial district, used for horticultural or agricultural purposes, and such as are lying waste and subject to overflow from back-water, shall be taxed as such by the acre, and not as city property.

§ 4. It shall be the duty of the assessor each year to make a list of all the real estate in said district, which shall include all the lots in the cities of Dayton and Bellevue, for the purpose of the special tax aforesaid, and to have the same alphabetically arranged under the head of Jamestown sub-magisterial district, which list shall show the amount assessed against each proprietor of real estate in said district, and be separate from his general assessment of real estate for State and county purposes.

§ 5. It shall be the duty of the clerk of the county court annually, before he delivers to the sheriff the tax book as now provided for by law, to make a column in said book, which shall show the exact amount due by each tax-payer in said sub-magisterial district aforesaid, including the real estate in the cities of Dayton and Bellevue, to enable the sheriff to collect with accuracy said special tax; said taxes to be collected in the same manner as State and county taxes are collected under the general laws of the State. It shall be the duty of the sheriff to settle with the county court annu-

1876. ally as to the taxes collected in said district, in the same manner as he settles his accounts with the Auditor of State, and to be credited with receipts of commissioner of the sinking fund and delinquent taxes, if any.

§ 6. It shall be the duty of the county judge, on or before the first day of July, 1876, to appoint a commissioner of the sinking fund referred to in the first section of this act, who shall receive from the sheriff the taxes annually collected on all the real estate within said magisterial district levied for the purposes aforesaid, and receipt for the same, and shall pay to the holders of the coupons that may become due annually the interest on said bonds, and the surplus he shall loan out annually at interest of not less than eight per centum per annum, for the purpose of paying off said bonds when they shall severally mature and become due. Said loans shall be made on real estate security in the county of Campbell, worth twice the amount of the sum loaned thereon, on in United States bonds, city bonds, or other valid securities, and to be held for the redemption of said bonds when they shall finally mature. The said commissioner shall have the right, if he deems it best, to purchase and take up any of said bonds before they mature; but in so doing he is not to pay more than par for said bonds, or so to do if it shall impair the fund for paying the annual interest on the outstanding bonds. Said commissioner so appointed shall give bond, with security, to be approved of by the county judge, for the safe-keeping and disbursing of the money received by him, the bond to be made payable to the Commonwealth of Kentucky. The commissioner of the sinking fund shall have the power to institute all necessary suits to enforce liens or recover debts due said fund, said suits to be brought in the name of the commissioner of the sinking fund of the sub-district of the Jamestown magisterial district, of Campbell county, Kentucky. If a vacancy should at any time occur in said office of commissioner, either by resignation, death, removal from the county, or otherwise, the county judge is authorized to fill the vacancy. The commissioner, as a compensation for his services, is to receive one hundred dollars a year for the first four years, and the sum of one hundred and fifty dollars a year for the residue of the time he shall perform the duties of the office aforesaid.

§ 7. The commissioner of the sinking fund shall make a report once in every year to the judge of the county court, which report shall exhibit the amount derived from taxes, interest, &c., and the disbursement thereof shall show the amount of interest paid, and in detail giving a summary of the total bonded indebtedness, and investments on hand to meet the same at maturity. 1876.

§ 8. All acts or parts of acts heretofore passed touching the said magisterial district, in conflict with this act, are hereby repealed.

§ 9. This act shall take effect and be in force from its passage.

Approved March 16, 1876.

CHAPTER 767.

AN ACT incorporating the Marion Bank, in Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. C. Carnahan, R. W. Wilson, W. F. Wilson, and W. P. Maxwell, and those who may associate themselves with them, and their successors, assigns, be, and they are hereby, created a body-corporate and politic, under the corporate name of "Marion Bank," with power and authority by said corporate name to transact business, contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of justice; to have a corporate seal, and change the same; and to have corporate existence for a period of thirty years from the passage of this act. Corporators.
Name and style

§ 2. The business of the said corporation shall be a general banking business; and in the prosecution of such business it may deal in and buy and sell bills of exchange, promissory notes, bonds, evidences of debt, assign and transfer the same, and guarantee the payment thereof, buy and sell gold and silver, borrow money, loan money at the legal rate of interest; acquire, hold, use, sell, and convey such property as may be convenient or necessary in the prosecution of said business, and such property as may be sold under judicial proceedings in satisfaction of any demand in its favor, and may receive deposits of money and currency, and repay the same upon such terms as may be agreed upon. Style of business.

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Capital stock.

§ 3. The capital stock of said bank shall be two hundred thousand dollars, divided in shares of one hundred dollars each. Each of the persons named in the first section hereof may receive subscriptions to said capital stock; and when two hundred shares of said capital stock shall have been subscribed, it shall be the duty of at least two of those persons to appoint a day not more than thirty days distant for such subscribers to meet at the court-house in Crittenden county, Kentucky, for the purpose of electing directors for said bank, and to give at least twenty days' written notice thereof, by posting up such notice at the door of said court-house and at three other public places in said county. At said court-house, and at the time so appointed, the subscribers of such stock may elect three directors, to constitute a board of directors, who shall hold their office until the first Saturday in May thereafter, and until their successors shall have been elected and qualified.

Directors—when and how elected.

Term of office.

One vote for each share.

§ 4. On the first Saturday in May in each year, an election shall be held by the stockholders in said bank to elect three directors for said bank, who shall hold their office for one year from the time of their election, and until their successors shall have been elected and qualified. In any election for directors, each stockholder shall be entitled to one vote for each share he may hold of said capital stock. Any vacancy in the board of directors may be filled until the next general election by the remaining directors. Each director shall be a stockholder in said bank.

May make by-laws, &c.

§ 5. The business affairs of said bank shall be managed by said board of directors, and by such officers and agents as said board of directors may appoint. The said board of directors may make by laws, not inconsistent with the laws or Constitution of the State of Kentucky or of the United States, and may appoint such officers and agents as it may deem proper. The principal place of business of said bank shall be at the town of Marion, in the county of Crittenden, in the State of Kentucky.

Individual stock not liable.

§ 6. Said capital stock shall be deemed personal property, and shall be transferable by the holder thereof. The board of directors may prescribe the mode of transferring such stock. The individual property of the members of said corporation

shall not be liable for its debts or liabilities. Said bank may commence business when ten thousand dollars of its capital stock shall have been paid up. The said board of directors may receive subscriptions to said capital stock upon such terms as said board may deem proper.

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When may commence business.

§ 7. The said bank shall not have power to issue notes or bills to circulate as money.

§ 8. This act may at any time be modified or repealed by the Legislature; and it shall be in force from its passage.

Approved March 16, 1876.

CHAPTER 768.

AN ACT conferring jurisdiction upon the Henderson city court to try prosecutions for carrying concealed deadly weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That prosecutions against persons charged with the offense of carrying concealed deadly weapons may be tried under warrant in the Henderson city court, which court shall have power to hear and determine such cases and render judgment for the penalty proscribed by statute; but to entitle said court to the exercise of this jurisdiction, the offense must have been committed within the corporate limits of the city of Henderson; and nothing in this act shall dispense with a trial of the issues of fact by a petit jury in said court.

§ 2. This act shall take effect from its passage.

Approved March 16, 1876.

CHAPTER 769.

AN ACT for the benefit of W. G. McGill, late deputy sheriff of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of W. G. McGill, late deputy sheriff of Breckinridge county, for the sum of fifty-five dollars and twenty cents, it being the amount of expenses incurred by the aforesaid deputy

1876. sheriff in conveying to the House of Reform, at Anchorage, under an order of the judge of the Breckinridge circuit court James Smith, convicted of the offense of mule stealing.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1876.

CHAPTER 770.

AN ACT to incorporate the Bradford's Landing and Washington Trace Turnpike Road Company, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the "Bradford's Landing and Washington Trace Turnpike Road Company," for the purpose of constructing a macadamized turnpike road from Bradford's Landing, on the Ohio river, in Bracken county, to the Washington Trace Road, at or near the residence of T. L. Watson.

§ 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each.

§ 3. The following commissioners, or such of them as may choose to act, are appointed to receive subscriptions of stock to said company, viz: A. D. Houston, G. D. Cline, Henry Jordan, John Riley, O. P. Miller, J. T. Yelton, and J. C. Cline, who may open books at such times and places as they, or any two of them, may think proper, until all the stock, or so much as may be necessary to construct said road, be taken.

§ 4. The commissioners shall procure books, in which the stockholders shall enter into the following obligation, to-wit: We, whose names are hereunto subscribed, promise to pay to the president and directors or company of the Bradford's Landing and Washington Trace Turnpike Road Company, the sum of fifty dollars for each and every share of stock set opposite our names, in such proportions, and at such times and places, as the president and directors may require: *Provided*, The calls shall be thirty days apart, and that interest is to be paid on the calls, if not paid within thirty days after the calls are made, at the rate of ten per cent. per annum until paid.

§ 5. That the stockholders shall be entitled to one vote for every share of stock held by them; and when any stockholder desires, he may vote by proxy in writing at any election of directors.

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One vote for each share.

§ 6. That a president and five directors shall be elected by the stockholders at a public meeting to be held in the town of Bradford at such time as said commissioners may deem proper, notice of the time of said election to be given by posting up notices at three or more public places along the route of the proposed road for ten days previous to the election.

Directors—how and when elected

§ 7. That the president and three directors may call a meeting of the stockholders or of the directors, at any time they may desire or deem it necessary. The president and three directors shall constitute a quorum, or, in the absence of the president, four directors shall constitute a quorum to do business; and as soon as five thousand dollars of stock is subscribed, and the company is organized, said company may commence and proceed with the construction of said road.

Quorum—how constituted.

§ 8. The board of directors may appoint such other officers as they may deem necessary to conduct the business of the company; may have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with; and may make such by-laws as they may deem necessary, which do not conflict with the laws of this State or the United States.

Corporate powers.

§ 9. The president and directors shall have power to fix the grade, locate, build; and establish said road between the points designated; and may acquire, by purchase, relinquishment, gift, writ of *ad quod damnum*, deed, or otherwise, the right of way for the road upon the most eligible route between said points; also ground for the toll-houses, not exceeding one acre for each toll-house, and such timber, rock quarries, &c., as may be necessary for the completion of said road, and keeping the same in repair, paying a reasonable compensation therefor: the road to be thirty feet wide, and the part of it graded and covered with rock fourteen feet wide and nine inches deep.

§ 10. The county court of Bracken county may subscribe and hold stock in said company upon the same conditions as other stockholders, and according to the act of the General Assem-

County court may subscribe & hold stock.

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bly of Kentucky authorizing and empowering the county court of Bracken county to take and subscribe stock in turnpike roads in said county.

Term of office.

§ 11. That the president and directors shall hold their office for a term of twelve months, excepting the ones first elected; and after the first election they shall be elected on the first Saturday in May of each year, in the manner prescribed in this act. They shall keep, or cause to be kept, a fair and just account of all money which shall be received by them, and all money paid out by them in the prosecution of said work; and all costs and expenses of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of said company. The president and directors, at the end of every year after the completion of the road, shall make a dividend of the clear profits, if any, and pay the same to the stockholders on the first Saturday of May in each and every year.

When toll-gate may be erected.

Rate of toll.

§ 12. That after the road is completed the board of directors shall erect a toll-gate, and employ a gate-keeper, take bond from him, and fix his salary; and he shall collect toll from persons traveling on or using said road, the rates to be the same as authorized by law on other turnpike roads in said county.

§ 13. The stock shall be transferable, provided the same shall have been fully paid.

Suit may be brought to collect subscription of stock.

§ 14. That if any of the stockholders in said road shall fail or refuse to pay the stock subscribed, or the calls for the same, when due, shall be liable to suit to enforce the collection of the same in any court having jurisdiction.

§ 15. The said corporation shall have full power to do all other acts and things that is necessary to be done to locate, establish, and complete said turnpike road.

§ 16. This act shall take effect from its passage.

Approved March 16, 1876.

CHAPTER 771.

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AN ACT to charter the Plum Branch and Bald Knob Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Milton Moore, W. B. Tracy, F. M. Conway, Jesse Smith, and Francis Brawner, Wm. Snow, and E. S. Bailey, be, and they are hereby, incorporated, under the name and style of the Plum Branch and Bald Knob Turnpike Road Company; and shall have and exercise by that name all the powers usual, necessary, and proper to their existence and operation as a body-corporate and politic, and all the rights and powers usually granted turnpike road companies, and necessary to condemn right of way, take and use earth, stone, or timber, and such other rights, powers, and privileges as shall authorize and enable such corporation to lay out, construct, repair, and maintain a turnpike road and necessary bridges or ferries on such route and over such lands as said company may elect, from a point near Charles Owen's house, on Plum branch, in Franklin county, to Bailey's mill and store, near the line between Franklin and Shelby and Henry counties, in said county of Franklin.

§ 2. The persons named in this act shall constitute the board of directors for said company for at least one year after the organization of said company shall have been completed by subscription to its capital stock of at least five thousand dollars (\$5,000), which capital stock may be increased, at the discretion of said board, to a sum not exceeding forty thousand dollars; and for any part thereof so subscribed, and the subscription being fully paid, certificates, signed by the proper officer or officers of the company, shall be issued in shares of fifty dollars each.

§ 3. The stockholders of said company shall meet annually on the first Saturday in June at the Bald Knob precinct voting place (or school-house), and may hold such other meetings as may be called by the board of directors, or a majority in interest of the stockholders; and at such meetings the stockholders may, by themselves or by written proxies, cast one vote for each share of stock held; and a majority of stock must be represented in any such meetings to constitute a quorum to transact business; and said company shall have power

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to elect or appoint such officers or agents, and to make such rules and by-laws for its government, as they may deem proper, not in conflict with the provisions of this act or the laws of this Commonwealth.

§ 4. Upon the expiration of the term of the board of directors appointed by this act, a new board shall be elected annually by the stockholders. Each board of directors shall elect a president and secretary, and shall fill by election all vacancies occurring in the board itself by death or otherwise, until the next annual election of directors is held.

§ 5. The company shall keep a full record of all its proceedings, which shall be at all reasonable times subject to examination by the stockholders, and shall cause a report to be made and spread upon its records annually, in condensed form, showing the condition of the road and company, and all things connected with its interests.

§ 6. The company may collect all subscriptions in such installments as they may desire for the construction of said road; and any stockholders in said road, failing to pay their calls when due, shall be subject to suit in any of the courts of this Commonwealth having jurisdiction of the matter and amount in controversy, and shall pay six per cent. interest thereon until paid; but said company and stockholders shall only be bound for the amount of their stock.

§ 7. All officers of the company shall take an oath faithfully to discharge their official duties; and in addition thereto, the treasurer shall execute a bond, with security, binding him to collect and disburse all money as may become his duty to do according to this charter, and such by-laws as may be made by the company, subject to the orders of the board of directors.

§ 8. The president and directors shall have power to let out said road to contractors on such terms and in such portions as they may deem proper; and the company may sue and be sued, plead and be impleaded, contract and be contracted with, as a natural person.

§ 9. After two consecutive miles of said road have been built, one toll-gate may be erected across it, and for every additional five miles of road finished by the company they may erect an additional toll-gate; but the rate of toll shall

not exceed that fixed by the general law, and may be regulated by law.

1876.

§ 10. This act to take effect from and after its passage.

Approved March 16, 1876.

CHAPTER 772.

AN ACT for the benefit of the North Middletown and Thatcher's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Bourbon county, and said court is hereby authorized, at any regular term thereof, a majority of the justices of said court being present and concurring therein, to subscribe not exceeding the sum of four thousand dollars to the stock of said company, for the purpose of aiding in the construction of two bridges on the line of said road, one over Stone's creek and the other over Strode's creek; and to enable said court to pay said subscription when made, said county court is hereby empowered to levy a tax on the property of the citizens of said county subject to taxation for State revenue, not to exceed four cents on the one hundred dollars' worth of property in any one year; and said tax, when so levied, shall be collected by the sheriff of said county, and by him paid over to the county treasurer on or before the first day of the next January after its collection succeeding the year in which the same is levied and to be paid; and the county treasurer shall pay the same at such times and places, and in such manner and amounts, as shall be required of him by the president and directors of said company: *Provided*, That the county court shall first be satisfied that there has been subscribed in good faith to the stock of said company a sufficient amount of money to complete said road and construct said bridges with the aid of the subscription by the county as now authorized by law and as is hereby authorized: *And provided further*, That the dividends arising on the stocks taken by said county under authority of this act shall be applied, when collected, towards lessening the county levy.

§ 2. This act shall be in force from its passage.

Approved March 16, 1876.

1876.

CHAPTER 773.

AN ACT to amend an act, entitled "An act to amend an act approved February 18th, 1860, to empower the county court of Bath county to make subscription to the capital stock of turnpike road companies," approved February 5th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court
may subscribe
stock.

§ 1. That an act, entitled "An act to amend an act approved February 18th, 1860, to empower the county court of Bath county to make subscriptions to the capital stock of turnpike road companies," approved February 5th, 1868, be, and the same is, so amended as to give the county court of Bath county the power and authority to subscribe stock for and on behalf of the county to the Owingsville and McIntire's Ferry Turnpike Road a sum not exceeding twelve hundred dollars per mile, and to the road leading from Owingsville to Frenchburg eighteen hundred dollars per mile: *Provided*, Said subscriptions shall be made according to the provisions of the acts to which this act is an amendment: *And provided further*, That said court shall first be satisfied that the private subscription, together with the county subscription, shall be sufficient to build said roads, or either of them, at least four miles.

May levy an
ad valorem tax.

§ 2. Said county court of Bath shall have power and authority to levy an ad valorem tax on the taxable property in said county to pay said subscriptions, which shall be collected and accounted for by the sheriff of said county of Bath as directed by the court making said levy.

When may
erect toll-gate.

Rate of toll.

§ 3. Whenever four miles of either of said roads is completed, the directors thereof of such road shall have the right to erect and keep up a toll-gate thereon, and charge such toll as they may deem proper, not exceeding the rates fixed by law according to the provisions of the General Statutes: *Provided further*, That such gate or gates shall not be nearer than one mile to the limits of the town of Owingsville.

§ 4. This act shall take effect from its passage.

Approved March 17, 1876.

CHAPTER 774.

1876.

AN ACT to legalize certain proceedings and orders of the Caldwell county court.

WHEREAS, At the October term, in the year 1873, of the Caldwell county court, the said court made an order which was and is, in substance, as follows, namely: "It is hereby ordered by the court, a majority of the justices of the peace for said county being present, that for the purpose of paying the interest that will become due on the 1st day of March, 1874, and the 1st day of September, 1874, upon the bonds of Caldwell county, which were issued for the payment of the subscription of said county to the capital stock of the Elizabethtown and Paducah Railroad Company, there be, and there is hereby, levied a tax of one dollar and fifty cents on each and every one hundred dollars' worth of real and personal property in said county, as returned on the assessor's book for the year 1873, subject to taxation under the revenue laws of the State of Kentucky, including the amounts owned by residents of said county which ought to be given in under the equalization laws of said State;" and whereas, the said order was, on the 15th day of November, 1875, and not before, duly entered and recorded upon the proper record-book of said court; and whereas, on the 15th day of November, 1875, the said court made another order directing that the said order which is first mentioned herein should be entered *nunc pro tunc* upon the records of said court, and adjudging said order and levy to be in force, and to have been in full force from the time the same ought to have been entered upon the records of said court, viz: its October term, 1873, as if the same had been then entered upon said records, and that the same should continue in force; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said order of said court, which is herein recited to have been made by said court on the 15th day of October, 1873, be, and shall be, legal and valid, and shall have the same force and effect that it would have if it had been legally entered and recorded upon the minutes and records of said court in due time; and the said record thereof made in manner aforesaid, or a certified copy thereof, shall

1876. be legal evidence that such order was legally made; and all the said proceedings of said court are hereby made legal and valid.

§ 2. This act shall be in force from its passage.

Approved March 17, 1876.

CHAPTER 775.

AN ACT authorizing the clerk of the Boyd circuit court to appoint a deputy, who may hold his office in Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Boyd circuit court, and his successors in office, may appoint a deputy, who shall hold his office in the town of Ashland. The deputy shall be qualified as now required by law, and shall, in addition, execute bond to his principal, with good sureties, conditioned for the faithful performance of the duties of his office, and to protect and save harmless the clerk from all loss and damage by reason of his official acts.

Deputy to execute bond.

Petitions may be filed in deputy's office.

§ 2. It may be lawful to file original petitions in the office of the deputy clerk in Ashland, who shall issue thereon all summons or orders for provisional remedies authorized by law, in the same manner as if filed in the office of the clerk. Affidavits for provisional remedies may be filed with the petition in the office of said deputy, or at any time whilst the same remains in his office, and he may take all necessary bonds, and grant orders of attachments, and for other provisional remedies, in the same manner as the clerk is authorized by law to do.

§ 3. The judge of the Boyd circuit court may, by order entered of record, authorize such deputy to grant injunctions and restraining orders.

§ 4. All petitions and other papers filed in the office of said deputy clerk, in virtue of the authority herein granted, and all bonds taken, orders made, and process issued, shall have the same effect as though done in the office of the clerk.

§ 5. The deputy aforesaid shall have power to issue subpoenas for witnesses in any case pending in the Boyd circuit court, in the same manner as the clerk of the court.

§ 6. It shall be the duty of such deputy to file in the office of the clerk all petitions, exhibits, affidavits, bonds, or other papers filed in his office, within twenty-four hours after the filing of the same; and for every failure to do so shall be liable to a fine of ten dollars for each offense, recoverable in the name of the Commonwealth, before any court having jurisdiction; and, upon conviction, shall forfeit his office. 1876.
Deputy's duty.

§ 7. The clerk may remove any deputy from office, and appoint another at his pleasure.

§ 8. This act shall take effect from its passage.

Approved March 17, 1876.

CHAPTER 776.

AN ACT to incorporate the Tollsboro Cemetery Company, of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. Nesbitt Taylor, W. N. Wallingford, Isaiah Grigsby, Jas. H. Barclay, Alex. M. Rummins, and Manley Trussell, and their associates and successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the Tollsboro Cemetery Company; and by that name shall be able and capable in law to have and use a common seal; to sue and be sued, to plead and be impleaded, and do all such other things as are incident to such a corporation. The said corporation shall have power to purchase or acquire title to any quantity of land within one mile of the limits of the village of Tollsboro, in Lewis county, not to exceed five acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The lands and appurtenances, when conveyed to said company, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall not be alienated, sold, or used by said company for any other purposes than burial lots, as hereinafter provided. The said company may receive and take, by devise or bequest, any legacy or legacies that may be devised to them, to be appropriated solely and exclusively to the ornamenting and improving of said cemetery grounds, and invest or loan out any spare

1876. funds that, from time to time, they may have; but they shall never exercise, or attempt to exercise, any banking powers.

§ 2. The affairs of said company shall be managed by five directors, who shall elect one of their number chairman, the said directors to be chosen annually by the lot-owners from among their number on the first Saturday of April in each year; and if, for any cause, the election is not held at this regular annual meeting, it shall be held at the next lot-holders' meeting. The said directors shall hold their offices for one year, and until their successors are regularly elected and installed.

§ 3. The said directors shall have power to appoint a treasurer, secretary, sexton, and such other officers as they may think necessary, and take from them such bonds as may be required. The secretary shall keep a full and fair record of all the proceedings of the corporation, and shall always preserve an accurate map and survey of the grounds and lots. The funds arising from the sale of lots for burial purposes, and all other funds of the corporation, shall be held and used exclusively for keeping said grounds in repair, and ornamenting and improving the same, and paying the salaries and expenses of the necessary officers.

§ 4. The said directors shall have power to lay out and ornament said grounds, and, from time to time, alter and repair the same, and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery grounds. They shall have power to lay off, sell, and convey burial lots, either at private or public sale; to make, from time to time, all such by-laws, rules and regulations, as may be necessary for the purposes of the corporation. They may levy a tax on the lot-owners in said cemetery to raise the necessary funds for keeping said grounds in repair.

§ 5. When a burial lot is purchased the directors shall give a certificate thereof, under the seal of the company, which shall vest the purchaser with title. This may be transferred according to such rules and regulations as may be prescribed by the company, but in no other way. If not transferred by the grantee, it shall descend or pass by devise as other real estate. Such lots shall never be used for any other purposes than burial purposes or lots, and if applied to any other purpose the title shall revert to the corporation.

§ 6. The said directors shall have power to forfeit any lot or lots in said cemetery grounds taken up by any person or persons who shall fail to make payment for such lot or lots; and when any interments have been made on any such lot or lots, the directors shall have power to enter upon the same, and remove, or cause to be removed, the bodies to the public grounds in said cemetery: *Provided*, That the said directors shall, before forfeiting any such lot or lots, give a written notice to the person or persons in whose name such lot or lots are entered of at least thirty days before such action; and if such person or persons cannot be found, then said notice is to be posted on said lot or lots for sixty days before such action.

§ 7. If any person shall forcibly or unlawfully violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or injure any of the grounds or inclosures of the company, such person or persons so offending, besides being liable to an indictment for misdemeanor and punishable according to the discretion of a jury, shall be liable to the corporation or to the owner of a lot in an action for whatever damage may be committed.

§ 8. This act to take effect from its passage.

Approved March 17, 1876.

CHAPTER 777.

AN ACT for the benefit of William Thierman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of this State be, and he is hereby, directed to issue his warrant on the Treasurer of this State in favor of William Thierman, for the sum of four hundred and fifty dollars, in full payment for use and occupation by the State Guard of the premises of William Thierman, on the south side of Market street, between Sixteenth and Seventeenth streets, in Louisville, Kentucky, from December 1, 1873. to September 1, 1874.

§ 2. This act shall take effect from its passage.

Approved March 17, 1876.

1876.

CHAPTER 778.

AN ACT to incorporate "Monroe Lodge, No. 103, I. O. O. F."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Theophilus Fisher, N. G., Jerry Fox, V. G., and
Corporators. E. L. Taulman, P. Sec., J. R. Barclay, R. Sec., and Mark
Coffin, Treasurer, and their associates, be, and they are
Name and style. hereby, created a body-corporate, by the name and style of
"Monroe Lodge, No. 103, of the Independent Order of Odd
Fellows," and they and their associates and successors shall so
continue, and have perpetual succession; and by that name
Corporate are made capable in law, as natural persons, to sue and be
powers. sued, plead and be impleaded, contract and be contracted
with, answer and be answered, in all courts of law and equity
Common seal. in this Commonwealth; to make, have, and use a common seal,
and the same to break, alter, or amend at pleasure; they may
make and ordain regulations and by-laws for their govern-
ment, and those now in force in said lodge to alter when
deemed proper, and may change and renew the same at
pleasure: *Provided*, They be not in contravention of the con-
stitution, laws, and regulations of the Grand Lodge of the
Independent Order of Odd Fellows, incorporated by an act
approved February 16, 1838, nor in contravention of the Con-
stitution and laws of the United States or of this State.

§ 2. The said corporation shall have power and authority
May acquire to acquire and hold real and personal estate, not exceeding
and hold real and personal estate. ten thousand dollars in value, and from time to time, if
deemed expedient, sell and convey the same, or any part
thereof, and to reinvest and dispose of the proceeds in such
manner as it may consider best for the interests of said cor-
poration.

§ 3. The right to alter, repeal, or amend this act is hereby
reserved by the General Assembly.

§ 4. This act shall be in full force and effect after its pas-
sage.

Approved March 17, 1876.

CHAPTER 780.

1876.

AN ACT to incorporate the Centennial Church of Colored Missionary Baptists, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. W. Smith, Ben. Mills, and W. Smith, trustees of the Centennial Church of Colored Missionary Baptists, of Louisville, and their successors as such, be, and they are hereby, created a body-politic and corporate, by the name and style of the Centennial Church of Colored Missionary Baptists, of Louisville; and by that name shall have perpetual succession, and a common seal, or may use their individual seals or scrolls; and may sue and be sued, plead and be impleaded, in any court of law or equity in this State.

§ 2. That when any vacancy in said board may occur by death, resignation, or otherwise, or other disqualification to act, to be judged by the church at a regular business meeting, it shall be competent for the members of said church to fill such vacancies at any regular business meeting; said church shall also have power to remove from office any one or more of said trustees, a majority of all the members present at a regular business meeting concurring therein, and may proceed to fill such vacancy in the manner provided above for filling vacancies: *Provided*, That no removal or appointment of a trustee shall take place until notice of such intention has been given at a previous regular business meeting of the church.

§ 3. That the above named trustees, and their successors, are hereby invested with full power to receive a conveyance of a lot of ground, to be selected by the church in Louisville, upon which to erect a church edifice; also to purchase and receive title to other ground not exceeding three acres of land for, with its appurtenances, a burial ground or other church purposes; but said lots and parcels of ground shall be exempt from taxation, and shall be held by said trustees, or their successors, for the entire and exclusive use of the Centennial Baptist Church, of Louisville, or such portion thereof (should there ever be a schism) as adhere to the articles of faith as now held by said church forever.

§ 4. That said trustees, or their successors, shall have, and they are hereby, vested with power to borrow money for the purpose of erecting church buildings and other improvements

1876. for church purposes, or fix up a graveyard on any lot or land they may own, and to mortgage the real estate and church buildings and improvements to secure as payment: to sell and convey the title which they now hold, or may hereafter hold, in trust for said church, in any lot or piece of ground, whenever and to whom the said church, at a regular business meeting, shall direct, or may make such other disposition of the same as said church may order, notice having been given at a regular business meeting of such intended sale or disposition, and not otherwise; and to do and perform all acts common to limited corporations, not to conflict with the laws of this State.

Approved March 17, 1876.

CHAPTER 781.

AN ACT to authorize the city of Newport, Campbell county, to encourage manufactures.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the mayor and board of councilmen of the city of Newport be, and they are hereby, authorized to exempt buildings used for manufacturing purposes, tools, machinery, raw and manufactured articles, from corporation tax, in all cases where the minimum capital invested in the same amounts to the sum of ten thousand dollars, or that may employ regularly not less than twenty-five hands, and to furnish water to the same at any rate not exceeding six cents per thousand gallons, with the purpose of encouraging the location of such establishments in said city.

§ 2. This act shall take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 782.

AN ACT to authorize the Carlisle and Jackstown Turnpike Road Company (upper route), in Nicholas county, to dispose of its franchises, road-bed, and right of way.

WHEREAS, the Carlisle and Jackstown Turnpike Road Company (upper route) has failed to complete the road for the construction of which said company was organized, and is wholly unable to complete the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1876.

§ 1. That it shall be lawful for, and the president and directors of the Carlisle and Jackstown Turnpike Road Company are hereby authorized and empowered (a majority in value of the stockholders concurring), to sell or otherwise dispose of the road-bed and right of way of said company to any other turnpike road company which will undertake to complete the same; such transfer to be acknowledged by the president and directors, and recorded in the office of the clerk of the Nicholas county court.

§ 2. This act to take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 784.

AN ACT to amend an act, entitled "An act to incorporate the Dreaming Creek Turnpike Road Company, in Madison county," approved March 15th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Dreaming Creek Turnpike Road Company, approved March 15th, 1871, be, and is hereby, so amended as to authorize said company to extend said turnpike road to meet the Kentucky River, Union, and Dreaming Creek Turnpike, at its present terminus, by the most practicable route.

May extend
turnpike.

§ 2. When said turnpike shall have been extended in conformity to the preceding section, said company shall have full power and authority to charge full toll at the gate on said road for travel over the whole distance, and at the same rate for a shorter distance on said turnpike.

Toll may be
charged.

3. That said company may erect a toll house on the side of its road at a point near its junction with the Richmond, Otter Creek, and Boonesborough Turnpike: *Provided*, That a space not less than eighteen feet wide be left open for travel at said point: *And provided further*, That said company shall have no authority to erect said toll-house as herein provided without the consent of the owners of the land on both sides of the road at the point at which said toll-house is erected.

May erect toll-
house.

Proviso.

Approved March 17, 1876.

1876.

CHAPTER 786.

AN ACT to repeal an act, entitled "An act to establish and incorporate the town of Stroud City, in Muhlenburg county," approved 19th March, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish and incorporate the town of Stroud City, in Muhlenburg county," chapter eight hundred and eighty-five, approved April 19, 1873, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 17, 1876.

CHAPTER 787.

AN ACT for the benefit of J. N. Shepperd, clerk of the Wayne circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for J. N. Shepperd, clerk of the Wayne circuit court, to practice law in all the courts of this Commonwealth except the court of which he is clerk, and in Court of Appeals in cases appealed from the court of which he is clerk.

§ 2. That all acts or parts of acts in conflict with this act is hereby repealed so far as applies to said clerk.

§ 3. This act to take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 788.

AN ACT to attach the farms and possessions of Jesse H. and Robert Beck, of Metcalfe county, to Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the farms and possessions of Jesse H. and Robert Beck, of Metcalfe county, be, and are hereby, attached to Cumberland county.

§ 2. That this act shall take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 789.

1876.

AN ACT to amend the act, entitled "An act to incorporate the Catholic Cemetery, of Lexington, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said cemetery, and the grounds acquired and held for the same, are hereby forever dedicated to be used for a cemetery, and ornamental grounds connected therewith, and for no other purpose or use whatever; and no road, street, thoroughfare, or passway of any kind shall be opened or made through said cemetery or grounds.

Approved March 17, 1876.

CHAPTER 790.

AN ACT to incorporate Fleming Lodge, No. 30, Independent Order Odd Fellows, Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That N. S. Andrews, E. L. Singleton, Thomas F. Botts, James C. Darnall, P. S. Dudley, James L. Singleton, George S. Fleming, Thomas J. Hinton, C. H. Ashton, Geo. Faulkner, H. O. Hammer, Thomas S. Andrews, Thos. M. Fleming, A. E. Cole, Watson Andrews, John B. Dickey, Jas. M. Grimes, M. A. Weedon, Samuel B. Planck, M. A. Toner, John L. Thompson, B. B. Stone, Wm. H. Hendrick, T. C. Day, J. C. Edwards, Jno. Bowman, A. J. Gorman, Henry Overly, W. C. Newcomb, John Ryan, James P. Hendrick, Robert Clinkenbeard, Chas. E. Jones, James A. McCann, and Joseph I. Dorsey, and their associates, be, and they are hereby, created a body-corporate, by the name and style of "Fleming Lodge, No. 30, Independent Order of Odd Fellows;" and they and their associates and successors shall so continue, and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in

Corporators.

Name and style.

Corporate powers.

Common seal.

1876. said lodge to alter when deemed necessary, and may **change** and renew the same at pleasure: *Provided*, They do **not** in contravention of the constitution, laws, and regulations **of the** Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, **nor** in contravention of the Constitution of the United States **or of** this State.

May acquire
and hold real and
personal estate.

§ 2. The said corporation shall have the right to take **and** hold, by purchase, gift, or devise, real or personal estate, **not** exceeding the sum of twenty thousand dollars, and, from **time** to time, if deemed expedient, sell and convey the same, or **any** part thereof, and to reinvest and dispose of the proceeds.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly; but the repeal shall **not** deprive the parties interested of the property or effects **ac-**quired or held under this act.

§ 4. This act shall take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 791.

AN ACT to amend an act, entitled "An act to incorporate the State Bank, in Louisville," approved 6th March, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the State Bank, in Louisville," approved 6th March, 1876, be, and it is, amended by adding to the third section thereof the following, viz: And the promissory notes made negotiable and payable at its banking-house, or at any bank incorporated under any law of this State, or organized in this State under any law of the United States, and inland bills of exchange indorsed to and discounted by said bank, shall be, and they are hereby, placed upon the same footing as foreign bills of exchange, and like remedies may be had thereon against the drawers, acceptors, and indorsers.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1876.

CHAPTER 792.

1876.

AN ACT to authorize the city council of Frankfort to build a free bridge across the Kentucky river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of Frankfort is hereby authorized and empowered to construct a bridge across the Kentucky so as to connect North and South Frankfort at any point between the present bridge, at Saint Clair street, and the arsenal, at a distance above said bridge of not less than four hundred feet.

§ 2. Said bridge shall be so constructed that the distance Height of bridge. between its the bottom of its roadway and the river, at low water, shall be not less than forty-five feet, with its piers so located as not to obstruct the navigable channel, and provided with sloping cut-waters on their upper sides so as to prevent the accumulation of drift.

§ 3. In order to provide for the funds necessary to build City may issue bonds. said bridge, the city council is authorized and empowered, whenever a majority of the members thereof shall so determine, to issue bonds of the city of Frankfort, not exceeding sixty thousand dollars, said bonds to bear eight per cent. interest, and payable twenty years from date of issue; and in order to pay the interest, and provide a sinking fund for their redemption, said council is authorized to levy a tax upon the assessable property in the city sufficient to pay the interest How payable. as it accrues, and to pay off the bonds within twenty years.

§ 4. Said bridge shall be so constructed as to furnish free and safe passage for vehicles and foot passengers, there being a double track for each; and for all purposes of police, repairs, and general supervision and control by the city council, and as regards freedom of transit to every one, said bridge shall be upon the same footing as a street; and the same responsibility shall attach to the city council for its proper condition as applies to the streets of the city, save that it shall be kept lit with suitable gas-lamps every night, without regard to the regulations for lighting the street lamps.

§ 5. The city council may make such regulations as may in their judgment be necessary to preserve the bridge from injury, and affix penalties for rapid driving, defacing, or other-

1876. wise injuring the structure, and enforce the same as other city ordinances.

§ 6. This act shall take effect from its passage.

Approved March 17, 1876.

CHAPTER 793.

AN ACT for the benefit of the constable of the third justices' district in the city of Louisville, in the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the constable in the third district in the city of Louisville, county of Jefferson, be allowed to appoint one additional assistant (making three in all) if, in his opinion, the business of said district requires another assistant to perform and transact the same.

§ 2. This act to be in force from and after its passage.

Approved March 17, 1876.

CHAPTER 794.

AN ACT for the benefit of James Logan, of Union county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that Wm. Clark, an alien, departed this life intestate, unmarried, and without relatives in the United States, so far as known; and that for many years prior to his death said Clark had lived with and been nursed and cared for by James Logan, of Union county, without compensation; and whereas, it is further represented that said Clark had stated his intention to bequeath his property to the said Logan, but died without a written will; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Commonwealth hereby releases all claim, right, title, and interest in and to the estate of said William Clark, in favor of James Logan, of Union county, who is hereby substituted to, and invested with, full right and title to the same.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 17, 1876.

CHAPTER 796.

1876.

AN ACT to amend the charter of the town of Prestonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of Prestonville, in Carroll county, approved February 18th, 1867, be so amended as to give the town marshal, in collecting the taxes of said town, the same powers that sheriffs have in collecting the State revenue.

§ 2. That this act shall take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 797.

AN ACT concerning the "Kentucky High School."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That full power and authority shall be, and is hereby, given to the board of managers of the Kentucky High School, incorporated by act of the General Assembly approved March 3d, 1871, to change the name of said corporation to any other name said board of managers may adopt: *Provided*, The new name shall be entered on their minutes, and a copy of the order changing the name be recorded in the county court clerk's office of Franklin county; and after such recording said institution shall be known by its new name, and have all the rights and privileges given said Kentucky High School.

§ 2. This act shall take effect from its passage.

Approved March 17, 1876.

CHAPTER 798.

AN ACT in aid of colored common schools in Hart county.

WHEREAS, Two districts bearing the same number in the census of colored children for Hart county for the school year ending June 30th, 1875, namely, No. 4, were reported to the commissioner, Henry C. Martin, and by mistake he failed to report one to the Superintendent of Public Instruction, in consequence of which no apportionment was made said dis-

stud-horses, jacks, and bulls, and may enforce such liens as liens are now enforced: *Provided*, That such lien as is herein given shall not be enforced against an innocent purchaser, without notice being given.

1876.

§ 2. That this act shall apply to Madison, Garrard, Nelson, Metcalfe, Monroe, and Hart counties only; and shall be in force from its passage.

Approved March 17, 1870.

CHAPTER 803.

AN ACT to amend an act, entitled "An act for the benefit of the Lebanon and Bradfordsville Turnpike Road Company," approved January 22d, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of the Lebanon and Bradfordsville Turnpike Road Company," approved January 22d, 1876, be amended as follows: The provisions of said act shall be and remain in force for ten years, or until the bridge to be constructed is paid for.

§ 2. That until the cost of the bridge provided for has been fully paid, the control of the tolls collected at said gate shall be vested in the president and directors of the Lebanon and Bradfordsville Turnpike Road Company.

§ 3. This act to take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 804.

AN ACT to re-enact an act, entitled "An act to incorporate the North Middletown and Thatcher's Mill Turnpike Road Company," approved March 11th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the North Middletown and Thatcher's Mill Turnpike Road Company," approved March 11th, 1869, be, and the same is hereby, re-enacted except as follows, to-wit: Striking out the words "eighteen hundred and sixty-nine" in the fifth line of section

1876. second, and inserting in lieu thereof the words "eighteen hundred and seventy-six;" and in section third striking out the names Charles D. Talbott and Samuel H. Talbott, where they occur, and inserting in lieu thereof the following names, to-wit: T. J. Goff, Milton Beall, and Henry C. Smith, and further excepting the seventh section of said bill.

§ 2. This act shall be in force from its passage.

Approved March 17, 1876.

CHAPTER 805.

AN ACT to amend an act, entitled "An act to increase the jurisdiction of quarterly courts in Hickman and other counties," approved February 17, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of said act shall extend to and include the county of Montgomery.

§ 2. This act shall take effect from and after its passage.

Approved March 17, 1876.

CHAPTER 806.

AN ACT to amend an act, entitled "An act for the benefit of G. W. Taylor, late sheriff of Hancock county, and his sureties," approved February 4th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of G. W. Taylor, late sheriff of Hancock county, and his sureties," approved February 4th, 1876, be amended by inserting the words "ninety days" in said acts in lieu of words "thirty days," where they occur in said bill.

§ 2. That said act be further amended by adding after the words "each and all of them," in second section in said bill, the following words, to-wit: "except G. W. McAdams and James Taylor."

§ 3. That said act be further amended by inserting therein, after the words "sheriff and his sureties," in the second proviso, the following words, to-wit: "except G. W. McAdams and James Taylor."

§ 4. This act to be in force and effect from and after its passage. 1876.

Approved March 17, 1876.

CHAPTER 807.

AN ACT granting to the trustees of the town of Ghent, in Carroll county, the right to establish and maintain a ferry on the Ohio river at said town.

WHEREAS, It is represented to this General Assembly that the citizens of Ghent, in Carroll county, and the country adjacent thereto, and the travel crossing the Ohio river at that point, are much discommoded for the want of proper and adequate ferry facilities for crossing the Ohio river from said place to Vevay and the State of Indiana; that the now claimant of the only ferry privilege at or near said place is a non-resident of this State, and that public convenience greatly requires a new ferry at said point; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Ghent, in Carroll county, be, and they are hereby, authorized to establish, maintain, and run a ferry, for hire, from any point on the river front of said town where the landing is owned or controlled by said town for wharf purposes that they may select, to any point upon, the opposite bank of the Ohio river at which they may procure the right to land, for the period of twenty years from and after the passage of this act; and shall have the right to lease said ferry franchise or privilege to any one, and upon such terms, as to them may seem proper; but before said trustees, or any lessee or lessees of theirs, shall proceed to exercise said privilege, they shall apply to the county court of Carroll county to have the number and character of boats to be kept, and how propelled, and the number of hands to be employed at such ferry, prescribed by said court; and shall also, before said court, enter into covenant to the Commonwealth, with sufficient surety, that they or he will keep said ferry according to law, and pay all damages that any one may sustain by their or his failure so to do, or by reason of any neglect or misconduct of those managing the ferry, or by reason of the insufficiency of

Trustees authorized to establish a ferry.

Keeper of ferry to give bond.

1876. any boat employed thereat; which said covenant shall be renewed once in every five years, and oftener if required by said court.

§ 2. Any person aggrieved may sue, at his own cost, and for his own benefit, on such covenant, in the name of the Commonwealth.

County court
may fix rate of
toll, &c.

§ 3. Jurisdiction and authority is hereby conferred upon the said county court of Carroll county to take the covenant aforesaid, and to prescribe the number and character of boats, and the hands to be employed at said ferry, as indicated in the first section of this act; and also to fix the rates of tolls to be charged at said ferry, and from time to time change the same in the same manner as is now provided by law for other ferries.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1876.

CHAPTER 808.

AN ACT to authorize the city of Lawrenceburg, Indiana, to purchase ferry in Boone county, opposite said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the General Statute, chapter 42, title "Ferries," as applies to non-resident owners of ferry franchises, be, and the same is hereby, repealed, so far as the ferry in Boone county opposite Lawrenceburg, Indiana, is concerned; and it shall be lawful for the city of Lawrenceburg, Indiana, to purchase, hold, and operate said ferry, with all of its franchises; said sale and transfer to be made under the laws and in the manner prescribed by statute: *Provided however,* That nothing in this act shall be construed to relieve the owners of said ferry, after the purchase herein permitted to be made, from liability under the ferry laws of this State, except so much thereof as is repealed by this act.

§ 2. That any process which may issue in any action, began in any court of this Commonwealth against the owners of said ferry and ferry franchises, for a violation of their bond, may be served upon any of the agents or employes of said owners, and such service shall have the same effect as though

such service had been made upon such owners in proper person. 1876.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1876.

CHAPTER 809.

AN ACT to incorporate the Dexter and Lowell Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company may be formed, and created a body-politic and corporate, by the name and style of the Dexter and Lowell Turnpike Road Company, for the purpose of making a turnpike road from Dexter to the west line of Mason county, near Morgan's old mill, in said county: such point to be agreed upon by the president and directors of said road.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock be opened by John Rees, Joseph L. Koith, A. A. Pumpelly, S. E. Mastin, Wm. Hill, John Woodard, Martin Browning, Allen Pumpelly, Steven Frogge, Edward Fagan, George F. Campbell, who are hereby appointed commissioners for said purpose, at such times and places as they, and a majority of them, shall deem proper. When the sum of two thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this section to give notice, in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the electing a president and five directors; one vote shall be allowed for each share of stock, and the president and directors shall continue in office for one year, and until the successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the president and directors; and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic

1876. • and corporate, in fact and in law, under the name and style of the President and Directors of the Dexter and Lowell Turnpike Road Company; and by that name shall have perpetual succession and the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and of taking and holding, by purchase or gift, all such lands, real or personal property, as may be necessary for the prosecution of their work. They shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity; also to have and use a common seal; and generally to do all and any act, thing which a corporation may lawfully do to effect the object for which this corporation is created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width, and the part thereof to be covered with stone or gravel; and shall designate the beginning of said road, and place for the erection of a toll-gate; and may fix the rate of toll, which shall not exceed those prescribed by the general law now in force. The president and directors shall have power, after two and one half miles of said road shall have been completed, may erect a gate and collect toll; and shall apply the proceeds thereof to the completion of the road.

§ 6. The president and directors, with their surveyor, engineer, chain-carrier, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass; and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, or other material necessary for the construction of said road.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, carts, and wagons, and beasts of draught or burden, to enter upon the land in and over, contiguous and near to, which said road shall pass, having first given notice to the owners of said land or their agents: *Provided*, That if the president and directors shall not agree with the owners of the land through which said road is to pass as to the damages said owners may sustain by the road passing through their lands, the president and directors shall apply to the county

court of Mason county for a writ of *ad quod damnum* to assess . 1876.
the damages which may be sustained by the owner of said land, and the jury assessing the damages shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and upon the payment or tender of the damages so assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road, and have condemned any quarry or gravel necessary for the construction or repairing of said road.

§ 8. The president shall give notice in such manner as he may deem proper of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent per month for every delay of payment; and if he shall fail to pay the amount of call for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, together with the amount he may have paid thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless the whole amount due and payable as aforesaid on each share by him held shall have been paid agreeable to the requisitions of the president.

§ 9. The president and directors shall appoint a treasurer, and such other officers as they may deem necessary, with such compensation for their services as the president and directors may deem just, who shall hold their offices for the term of one year, and until their successors shall have been appointed and qualified. The treasurer of said company, and the keepers of the gates, before they enter on the duties of their offices, shall give bond and security, in such penalty as the president and directors may require, payable to them, conditioned to pay over any amount in their hands to the order of the president and directors.

§ 10. The president and directors shall have full power to permit any stockholder to work out the stock on said road that he may have subscribed, or any part thereof: *Provided*, He do it at as low a rate as any one else is willing to do it for;

1876. and any subscriber may pay his subscription in work at the usual cash prices for labor on said road, provided he shall work at such time and place as the president may direct.

§ 11. Any one or more of the commissioners appointed in this act may procure a book or books, in which the subscription of stock to said company shall enter the following obligation: We, whose names are hereunto subscribed, do respectively promise to pay to the Dexter and Lowell Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company.

§ 12. When any person has subscribed stock, to be paid in work, and shall fail or refuse to do so, or having begun the work, shall not prosecute the same with proper diligence, he may, if he continue in default, after reasonable notice, be compelled to pay such subscription in money, in any court of competent jurisdiction.

§ 13. The county court of Mason county shall have power, a majority of the justices concurring therein, to subscribe five hundred dollars per mile to the stock of said road, in addition to the amount that said county now takes in turnpike roads; this stock may be taken at the May court of claims in 1876.

§ 14. At all elections the stockholders shall be entitled to one vote for each share of stock held; and the officers shall take an oath that they will faithfully discharge their respective duties to the best of their ability.

Approved March 17, 1876.

CHAPTER 810.

AN ACT to charter the Barren River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James G. Page, J. F. Jewell, and Jos. H. Lewis, of Barren county, and W. Page, Gilloch Harston, and Thompson Marion, of Allen county, and their associates, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the Barren River Bridge Company; and by that name they shall have perpetual succession, with power to make contracts, to sue and be sued, and have

Corporators.

and exercise all the rights, privileges, and immunities of a corporation.

§ 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of twenty five dollars each; and as soon as two thousand dollars thereof is subscribed, the stockholders may meet and select a president and five directors, whose term of office shall be for one year, and until their successors are chosen by the stockholders, who are hereby authorized to meet annually at such time and place as may be fixed for that purpose. Said president and directors shall have the general management and control of the affairs of the company, and may appoint such officers and agents as may be deemed necessary, and take such security for the performance of their duties as may be necessary, fix their compensation, and prescribe their duties.

Capital stock.

Each share \$25.

President and directors.

§ 3. That said company shall have the right, and are hereby invested with the authority, to rebuild the bridge across Big Barren river, on the line of the Glasgow and Scottsville Turnpike Road, and may also complete said road, in whole or in part, by macadamizing or grading the same; and when said bridge is completed, the right and power is hereby conferred upon said company to charge and to collect such rate of toll as may be fixed by the president and directors, not exceeding the rate authorized to be charged by the act of the General Assembly incorporating the Glasgow and Scottsville Turnpike Road Company, and the amendments thereto. Said company is further authorized and empowered, upon the completion of as much as five miles of the road as aforesaid, to erect a toll-gate, and to charge toll in the manner and at the rate prescribed in said act incorporating the Glasgow and Scottsville Turnpike Road Company.

Rights and powers of company.

§ 4. That upon the completion of said bridge, all the right and interest which belongs to the State of Kentucky by reason of stock heretofore subscribed and paid to the capital stock of the Glasgow and Scottsville Turnpike Road Company shall be, and is hereby, surrendered and given to the company hereby incorporated, together with the ownership and control thereof; and said interest and right in said road shall also be surrendered and given to this company whenever and to the extent the same may be completed as aforesaid.

When State to surrender her interest.

1876.

County courts
of Barren and
Allen counties
may appropriate
money.

§ 5. That the county courts of the counties of Barren and Allen are hereby authorized and empowered, a majority of the justices of the peace consenting, to respectively appropriate a sum not exceeding twenty-five hundred dollars each towards the completion of said bridge, upon such terms and conditions as may be prescribed by each court.

§ 6. It is not intended by this act to divest the respective county courts of Barren and Allen of the control over said road, or to relieve them of the duty of keeping the same in repair within the limits of each, given and required by a former act of the General Assembly, except to the extent the company hereby incorporated may complete the same and acquire the right to erect toll-gates as hereinbefore provided.

Approved March 17, 1876.

CHAPTER 811.

AN ACT for the relief of M. B. Cox, late sheriff of Morgan county, and his sureties.

WHEREAS, It appears that M. B. Cox was elected sheriff of Morgan county for the years 1857 and 1858, and as such, undertook to collect the revenue of said county for said years; and whereas, afterwards, to wit: on the second day of February, 1859, the Commonwealth recovered against him, as sheriff aforesaid, and also against F. Hunter, T. D. Perry, Wm. H. Kendall, and Jo. H. Amyx, his sureties as sheriff aforesaid, the sum of three thousand one hundred and fifty-five dollars and four cents, and cost of suit, together with interest thereon from the first of June, 1858, and also six hundred and thirty-one dollars, and eighteen cents, being twenty per cent. damages on said amount; and whereas, it further appears that on the 31st day of May, 1869, an execution issued on said judgment by the clerk of the Franklin circuit court, the court that rendered said judgment for said sums of money, which execution was directed to the sheriff of Morgan county; and whereas, afterwards, on the 2d of July, 1869, the sheriff of said county of Morgan levied said execution on four several tracts of land: the first tract was levied on as the property of F. Hunter, the second tract was levied on as the property of Joseph H. Amyx, and the third and fourth tracts of land were levied on as the property of Thos. D. Perry, three of

1876.

which tracts was located in the county of Morgan, and one in the county of Elliott; and said Hunter's tract was afterwards, on the 19th of July, 1869, sold, and the other three tracts were sold on the 26th of July, 1869, and brought the sum of forty-four hundred dollars; and whereas, it further appears that on the 21st day of March, 1859, the said M. B. Cox, sheriff as aforesaid, deposited in the branch bank of the Farmers' Bank of Kentucky, at Mount Sterling, to the credit of the said State of Kentucky, the sum of fourteen hundred and ninety-four dollars and eighteen cents; and afterwards, to-wit: on the 23d day of March, 1859, Thos. S. Page, then Auditor of Kentucky, received said sum of money as agent of the State aforesaid, but failed to give said M. B. Cox credit for said sum of money, or any part thereof; and whereas, the sheriff of Morgan county failed to credit the execution on which he sold said tracts of land with but twenty-four hundred dollars, when said credit should have been forty-four hundred dollars, all of which said M. B. Cox and his said sureties are entitled to a credit; and whereas, the said four tracts of land were bought by W. T. Havens, as agent of the said State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That should the said M. B. Cox, F. Hunter, T. D. Perry, Wm. H. Kendall, and Jo. H. Amyx, or either of them, pay, or cause to be paid, to the Auditor of Public Accounts, on or before the 1st day of March, 1877, the sum of thirty-five hundred dollars, the same shall be accepted in full settlement of the account between the State of Kentucky and M. B. Cox, as sheriff aforesaid; and the Auditor shall be authorized, and is hereby, directed, upon the payment of said sum aforesaid, to reconvey by quit-claim deed, in the name of, and in behalf of, the Commonwealth of Kentucky, to said parties respectively, all the land of each heretofore sold to satisfy said liability as surety of said M. B. Cox, sheriff of Morgan county aforesaid.

Approved March 17, 1876.

1876.

CHAPTER 812.

AN ACT to amend an act, entitled "An act to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof," approved December 15th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof, approved December 15, 1873, be so amended that hereafter the persons therein authorized to sell liquors for medical purposes shall do so only upon the written certificate of a practicing physician that the same is necessary as a medicine for the health of the person applying, or some member of his family, and said druggist shall take up said certificate when first presented, and shall be thereafter void.

§ 2. That concurrent jurisdiction with the police judge of Mayfield is hereby conferred upon the quarterly court judge of Graves county, either of the justices of the peace of the Mayfield district, and upon the Graves circuit court, to try all prosecutions for a violation of this act, and the one to which this is an amendment; and the proceedings shall be by warrant of arrest, except proceedings in the Graves circuit court, which shall be by indictment; and the process for any of said courts may be issued to the sheriff or any constable of Graves county.

§ 3. This act to be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 813.

AN ACT to incorporate the Central Coal and Iron Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That Barry Coleman, A. K. Shepard, F. Lamot, B. Dupont, and T. L. Johnson shall be, and they are hereby, created and made a body-politic and corporate, by the name
Name and style. of the "Central Coal and Iron Company;" and by that name have power and authority to contract and be contracted with,

1876

Common seal

to sue and be sued, to plead and be impleaded; to have a common seal, and alter same at pleasure; they shall have the right to purchase, hold, lease, and work any lands deemed useful or necessary for the prosecution of its business; also to acquire such real and personal estate as is useful or requisite for the same; and it may at any time sell, exchange, mortgage, or convey said estate, or any portion thereof, and purchase other. Said company shall have full power and authority to build and operate railways to carry their product to market, and to acquire, by purchase or lease, the capital stock of the property, rights, and franchises of any company whose lines of railway pass over, through, or adjacent to such mining lands as it may own or acquire; may contract to carry freights and passengers over lines owned or controlled by it; shall have power to erect and maintain all needed elevators, sheds, depots, floats, and boats; to buy, sell, and mine iron and coal or other mineral substances; may carry on milling and manufacturing, and dispose of the products; may transport its products and property by river navigating, and connect its lines of railway with other lines of railway or lines of river navigation, and own or acquire the needed boats for that purpose.

Powers.

§ 2. The capital stock of said corporation shall be divided into shares of one hundred dollars each; but may commence business when thirty thousand dollars shall be subscribed as stock, with the privilege of increasing the same to meet the need of its business, by a vote of its stockholders; but to make said increase, a majority of the stock shall be voted therefor: the said stock to be divided into shares of one hundred dollars each, to be paid in upon calls in such way, and at such times and places, as ordered by the board of directors.

Capital stock.

Shares \$100 each

§ 3. The business and affairs of said corporation shall be managed by a president and board of directors. The directors shall be chosen annually by the stockholders on the first Tuesday in April of each year, who shall continue in office until their successors are duly elected and qualified. The president shall be chosen from the directors; and no one shall be qualified as president or director unless he is an owner of stock in said company. In said elections a majority of the stock voting shall control, and the vote may be cast in person or by proxy. There shall be five directors chosen

Officers—when and how elected.

1876. at the first annual election, and the number may be afterwards increased to seven by the by-laws of said corporation.

§ 4. The said board of directors may have power to appoint and dismiss any officer or agent at their pleasure in the conduct of the business of said corporation, and may require of said officers or agents bonds, with security, for a faithful discharge of duty, and to account for all money or property which may come to the possession or under the control of said agent or officers belonging to said corporation.

May make by-laws. § 5. Said president and directors shall have full power to make such by-laws, rules and regulations, for the conduct of its affairs as they shall deem fit, and for regulating and controlling its officers and agents, not in conflict with the Constitution of the United States or the Constitution and laws of the State of Kentucky.

May issue bonds. § 6. That by a vote of a majority of the stock the said corporation may have the right to borrow money to the amount of one half of the capital stock paid in, and issue the bonds of said company or corporation in such sums, and payable at such times and places, as may be agreed, and for the security and payment of said bonds may mortgage any or all the property of said corporation to the party or corporation from whom said money is borrowed, or to any other person; and said bonds may be made to draw interest at any rate not to exceed ten per cent. per annum, if so agreed, and the same shall be valid in law.

§ 7. Said company may contract with its employes, and tenants occupying its real estate, or any portion thereof, that leaving the service of the company, or being discharged therefrom, shall terminate such tenancy of such tenant; and such contracts shall be deemed lawful, and may be enforced by writ of forcible detainer after ten days' notice to quit.

Election to be advertised. § 8. That until the first annual election herein provided for, the corporators herein named shall hereby be constituted the directors of said corporation, and shall hold their office until their successors are duly elected and qualified, and notice of each annual election shall be given by publication in one of the daily newspapers published in Louisville.

§ 9. *Be it further enacted*, That any three or more of the incorporators may, at any time or place, open books and take subscriptions of stock to said corporation.

§ 10. *Be it further enacted*, That this act shall take effect and be in force from and after the date of its passage.

1876.

Approved March 18, 1876.

CHAPTER 814.

AN ACT to incorporate Oakland Cemetery, in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alfred Arrasmith, Noah Crouch, and Thos. Ellis be, and and they are hereby, constituted a body-corporate and politic, under the name and style of the Oakland Cemetery Company; and they and their successors shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with, defend and be defended against, in any and all the courts of the Commonwealth; may make and alter rules and by-laws for their own government, and do all other things and acts necessary and proper for carrying into effect the object of their corporation, which is to provide a repose for the dead: *Provided, however*, They do not act inconsistent with the laws of this State or of the United States.

Corporators.

Name and style.

Corporate powers.

§ 2. Said corporation, in addition to the gaveyard now laid off by Altred Arrasmith, near the Oakland Baptist Church, shall have power to purchase, take by gift, hold, transfer, and sell exclusively for burial purposes, such tract or tracts of land, not exceeding five acres, which shall be forever free from any interference from turnpikes, railroads, or other public improvements, unless by unanimous consent of the directors. They may improve said grounds by avenues, walks, and embellishments; may subdivide the same and sell lots suitable for graves or vaults, which lots shall be used for burial purposes only. Said cemetery and lots shall be held forever free from all turnpike, railroad, county, State, or municipal tax; and shall be forever free from attachment or sale for debt.

May acquire and hold land.

Land exempt from taxation.

§ 3. Whenever any vacancy occurs in said board, it shall be lawful for the Oakland Baptist Church, at any regular meeting for business, to fill said vacancy: *Provided, however*, That publication of such election be made at a regular meeting one month before such election takes place.

Vacancy—how filled.

1876.

Plat to be made

§ 4. The trustees shall cause a correct plat of said cemetery to be made, and the numbers placed upon each lot, and have the same framed and protected by glass; said plat shall be kept suspended in the church; and the name of each person purchasing a lot or lots shall be written upon the lot so purchased; and the entry of a name upon said lot by the trustees as above directed shall be a good and sufficient title to said lot.

How funds to be used.

§ 5. All money received by said trustees from sale of lots, gift, or bequest shall be spent in fencing, improving, beautifying, and taking care of said cemetery.

Trustees to take oath.

§ 6. Each trustee, before entering upon the discharge of his duties, shall take an oath, before some officer authorized to administer oaths, that he will faithfully and impartially discharge the duties of trustee to the best of his ability.

Penalty for violation of this act

§ 7. Should any person in any manner violate and offend against any of the provisions of this act, or the by-laws made in pursuance thereof, besides being liable to indictment for misdemeanor, and punishable therefor, said company shall be entitled to recover damages in any sum not less than two dollars nor more than one hundred dollars. Any trustee, the sexton, or any lot-owner shall have power to arrest any person committing trespass upon said cemetery, or violating any of the provisions of this act or by-laws of the corporation.

§ 8. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 815.

AN ACT for the benefit of John B. Richardson, of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of John B. Richardson, of Lexington, Kentucky, for the sum of seventy-one dollars and twenty-five cents (\$71 25), to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 816.

1876.

AN ACT to incorporate the Licking Bridge and Junction Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. G. Carlisle, W. J. Berry, and Eli Baldwin, of Kentucky, Joseph J. Gest and T. C. Robbins, of Ohio, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of the Licking Bridge and Junction Turnpike Company; and by that name may contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts; and may have and use a common seal, and alter and renew the same at pleasure; and shall have perpetual succession of members by the name and style aforesaid.

Corporators.

Name and style.

Corporate powers.

§ 2. The said company shall have power, and are authorized, to construct a bridge across the Licking river at a desirable point between the present southern corporate lines of Newport and the Louisville Short-line Railroad Bridge, and to unite, by a turnpike crossing said bridge, the Newport and Alexandria Turnpike, the Newport and Licking Plank Road and Turnpike, in Campbell county, with the "Covington and DeCourcy Creek Turnpike Company" and Bank Lick Turnpike, in Kenton county; power and full authority being also hereby given to the above named turnpike company, separately or jointly, as may be agreed, to unite in the construction of said bridge and junction turnpike, as well also to arrange for joint maintenance of the junction pike separately or in connection with the sections of their respective roads as may intervene the junction pike and their northern termini in Covington and Newport, including the collecting of tolls for the use of the whole of the common maintained portions and bridge.

Object and purposes.

§ 3. The Licking Bridge and Junction Turnpike Company is also authorized to permit, upon such terms as may be agreed, any street railway or railroad company in the city of Covington or Newport to extend its tracks over its road and bridge, and operate the same; and authority is hereby given to such street railway or railroad company to agreeing to

How other companies may use road.

1876. extend its tracks over the intervening sections of any street or turnpike necessary to reach the junction turnpike; authority being also hereby given to the cities of Covington and Newport, as well also to the turnpike company owning the intervening section, to approve the use of the same, and permit the cars to be drawn by animal power.

Officers—how
chosen.

Vacancies—how
filled.

Directors may
receive subscrip-
tion.

§ 4. The business affairs of said company shall be managed by a board of five directors, one of whom, chosen by a majority, shall be president, and all of whom shall be stockholders. The first board of directors shall consist of the persons named in the first section of this act, who shall continue in office one year, or until their successors are elected by a majority in interest of the stockholders. The said board of directors may fill all vacancies in the board which may happen by death, resignation, or otherwise. The board of directors hereby created, or a majority of them, may open books of subscription, and any of them may receive subscriptions to the capital stock of said company hereby incorporated, at such time and places, and on such notices, as they may deem proper, until the whole amount of the capital stock necessary to the completion of said bridge and turnpike shall have been subscribed; and said company may, at any time and place in the United States, without the formality of opening books for public subscriptions, receive subscriptions of stock to their company by individuals, towns, cities, counties, or other corporations.

Capital stock.

§ 5. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

May issue bonds.
How payable.

§ 6. Should the company so determine, they shall have full power and authority to issue and sell their bonds, in such form, at such times, and to such amounts, and payable at such times and places, within or without the State, with interest not to exceed eight per cent. per annum, payable half yearly, as they think proper; and they may secure the same by mortgage or deed of trust upon said bridge and turnpike roads, and all the property, assets, franchises, rights, and privileges of said company, conditioned upon the punctual payment of the interest and principal of said bonds when due, with authority for the trustees to sell said bridge, turnpike road, property, assets, &c., to raise the amount due for such

interest or principal, if not punctually paid, upon such terms and notice as shall be declared in the mortgage or deed of trust; and the purchaser shall be entitled to all the franchises, rights, and privileges of this charter, and subject to its obligations and restrictions; and said bond shall not exceed in amount the sum of its authorized capital stock. 1876.

§ 7. Said company, its officers, engineers, agents, contractors, or employes may enter upon, survey, use, excavate, or fill up any land which may be required for the construction of the abutments and approaches for said bridge, and for the roadway and bed of said turnpike as well; also erect the necessary superstructure for said bridge over the Licking river. And the proceedings for acquiring the right of way and materials for the construction of said turnpike, and the land necessary for the approaches and abutments of said bridge shall be the same in all respects as prescribed in chapter one hundred and ten of the "General Statutes of the Commonwealth of Kentucky." The rates of toll to be charged by said company shall be the same as the rates established or fixed for turnpikes and incorporated [companies] under the provisions of said chapter. And said company shall be entitled to collect such bridge tolls as their board of directors may, from time to time, adopt and order to be charged. Said turnpike shall be no less than forty and not exceeding sixty feet wide. Powers of officers and employes.

§ 8. The board of president and directors of said company may appoint such officers and make such by-laws as they may deem proper for their government, not inconsistent with the Constitution and laws of this State. May make by-laws.

§ 9. At the regular meetings of the stockholders of said company, it shall be the duty of the president and directors for the preceding year to exhibit a clear and distinct statement of the affairs of the company for the preceding year; and said president and directors shall annually or semi-annually declare and make such dividends as they may deem proper of the net profits arising from the business of the company, after deducting the necessary current and probable contingent expenses, and they shall divide the same among the stockholders of said company in proportion of their respective shares, and may make stock dividends, if the company so determine. Officers to make exhibit.

§ 10. This act to take effect from and after its passage.

Approved March 18, 1876.

1876.

CHAPTER 817.

A BILL for the benefit of A. H. Hogan, sheriff of Boyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. H. Hogan, sheriff of Boyd county, have until the 25th June, 1876, to pay into the Treasury of this State the revenue due from Boyd county for the year of 1875: *Provided*, The securities of said sheriff go before the county court, and acknowledge themselves bound as sureties for the further extension, and provided the county judge shall be satisfied of the solvency of the securities.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 819.

AN ACT regulating the mode and manner in which claims against the county of Boyd shall be presented to the county court of Boyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Claims to be filed
and verified.

§ 1. That all person or persons having any claim or claims against Boyd county, for services rendered on behalf of said county, whether by contract with its duly authorized agents or otherwise, shall, on before the first day of the month of November succeeding the date of the rendition of such services, file in the county court clerk's office of said county an itemized statement of their account, properly verified.

Penalty.

§ 2. All person or persons failing to file any claim or claims which they may have for any services rendered on behalf of Boyd county, at the time and place, and in the manner prescribed in the first section of this act, shall be forever barred from presenting and having allowed such claim or claims.

§ 3. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 820.

1876.

AN ACT to amend the charter of the city of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Ludlow shall have power to pass such ordinances as may be necessary to protect the city from all malignant and contagious diseases, and may, for that purpose, appoint a board of health, and confer upon it all necessary powers wherever, in their judgment, the interest and safety of the inhabitants of the city may render it necessary and proper; and they may, in their discretion, appoint a health officer for the city, and define his powers and duties by ordinance, and also the powers and duties of the members of said board of health, and the officers thereof, and provide such penalties as they may deem proper, within the jurisdiction of the mayor's court of said city for the violation of said ordinances, which penalties may be suffered in said court. Said council shall have power to provide a pest-house, in which they may have and cause persons to be placed who are infected with contagious and malignant diseases, subject to such regulations as they may prescribe. All expenses incurred under ordinances passed under the power hereby conferred shall be paid as other expenses are allowed and paid out of the general fund or revenue of the city.

§ 2. The said council shall also have power to organize a fire department for the extinguishment of fires that may occur in said city; to provide engines and other apparatus for that purpose, and suitable buildings for the safe-keeping of the same; to organize and appoint fire companies of able-bodied and efficient men, not exceeding one hundred in each company or association, who shall be exempt from serving on any and all juries during the period they are attached to said companies or associations, and to pass such by-laws and ordinances as may be necessary for the government and regulation of the same, as they may deem expedient; and the said council shall have power to invest the officers, members, or any portion of said fire companies, with police powers, to be exercised during fire alarms or while going to or returning from fire: *Provided*, That the council shall have power to disband any such companies and deprive them of the engines, appa-

1876. ratus, buildings, or other property for proper cause, and in the manner it may by ordinance prescribe. Said council shall also have power to appoint a chief engineer for said fire companies for such term as it may deem expedient, and to discharge him at pleasure, and may prescribe his powers and duties. Said council may also pass all necessary ordinances for the preservation of the peace and safety of the city; also to punish all persons for disorderly, riotous, or improper conduct during times of fire; and to impose fines on such persons as may refuse, when called upon by the proper officers of the companies or associations, to render assistance in the extinguishment of fires, within the jurisdiction of the mayor's court, which court shall have jurisdiction to enforce the same.

§ 3. The city of Ludlow is hereby empowered, through its city council, to aid in the building or constructing of street railroads within said city, or of such roads leading from or to said city from or to points or places beyond the limits of said city; also to aid in the building or constructing of footways upon any bridge which may be built across the Ohio river, from any point within the corporate limits of said city, upon such terms, and in such manner, in all respects, as the said council may determine; also to aid in the construction, equipment, and running and keeping up a ferry, from any point within the limits of the city of Ludlow, across the Ohio river to the opposite side of said river from said city; but such ferry shall be established, run, controlled, and governed in all respects by the general laws of this State in regard to other ferries: *Provided*, That at no time shall the sum of money so used, or agreed to be used, exceed the sum of fifteen thousand dollars; and for the purposes aforesaid the said council may issue and sell the bonds of said city, at not less than their par value, in an amount in all not exceeding the aforesaid sum of fifteen thousand dollars. Said bonds may be for such sums, and may bear any rate per cent. interest, not exceeding eight per cent. per annum, that said council may determine, and may be payable, both principal and interest, at such times and places as said council may determine. Said bonds shall be signed by the president of the said city council, and countersigned by the clerk of said city; the seal of said city shall be affixed to each of said bonds. Said bonds may have coupons or interest warrants attached, should the

1876.

city council so determine: *Provided, however,* That no such aid shall be extended, nor agreed to be extended, for either, any, nor all of said enterprises, nor any bonds under this act be issued, unless a majority of the qualified voters in said city, and voting on the question, shall have voted therefor at a general or special election held in said city. Said council shall, when submitting to the aforesaid voters the question of aiding either of the aforesaid enterprises, the name and the manner of extending the aid. Secondly, the kind of bonds to be issued, the time of payment, the rate of interest, and the gross amount of the bonds to be issued. The council shall then, by handbills posted generally through said city, not less than ten days before such election, state the questions to be submitted, and the time when they will be submitted. The officers of the election shall submit the questions, one at a time, to each voter qualified to vote thereon, and ask him: "Do you vote for or against the same?" and record the vote as given, and certify the same to the city council. Should at any election aid in behalf of either, any, or all of said enterprises secure a majority of said voters, then said council is hereby empowered, annually thereafter, to cause to be assessed, levied, and collected, in the same manner, and by the same officers, that other taxes are assessed, levied, and collected in said city, by the law thereof liable to taxation, such taxes as may be sufficient to pay the annual or semi-annual interest, as the case may be, upon the bonds so sold, and the cost and expense of collecting the same; and for the first year also the cost and expense of executing, preparing, and selling said bonds, and the expenses connected with advertising said election; and during last ten years said bonds are to run a sum sufficient to create a sinking fund sufficient to purchase in or pay off said bonds at maturity. The taxes received under this authority shall be applied to the purposes aforesaid, and to none other.

§ 4. The city council may grant the right of way over the public streets and other public grounds of the city to any railroad company or street railway, for such time, and in such manner, and on such conditions, as to them may seem proper and just; and may enact such ordinances as may be necessary to prevent the willful or malicious obstruction of the streets, or the hindrance of the cars running upon such railroads.

1876.

§ 5. That for the purpose of supporting the common schools in said city, and to secure the benefit of an education to all children therein, the city council may levy, or cause to be levied, and collected, a tax, including what they are now authorized to collect, not exceeding twenty-five cents on the one hundred dollars of valuation upon all property in said city valued and appraised, and now liable, or that may be hereafter liable, and subject to taxation for city purposes; which tax, together with such fines as may be set apart and appropriated (as is provided for in the charter of said city of those received and collected) in the mayor's court for school purposes, shall constitute a fund, which shall be appropriated and used for school purposes, and for no other purpose whatever: *Provided*, That the tax herein provided for shall not be levied and collected until the propriety of levying and collecting the same shall have been first submitted to the qualified voters of said city of Ludlow at some general or special election, not unless a majority of all those voting on said proposition at a general or special election (as the case may be) shall be in favor of levying and collecting said tax. If it is proposed to submit the said question of taxation at a special election, the city council of Ludlow shall cause notice of the time of said election, and the places of voting, to be given at least ten days before the same shall take place, by printed bills in the English and German languages, posted up in at least twenty-five of the most public places in said city.

§ 6. That from and after the first day of January, 1877, no part of the taxes annually levied and collected for the general revenue of said city shall be levied or appropriated for school purposes, except such amounts as may be necessary to pay for the building and repairs of such houses or places in which schools may be kept.

§ 7. That all fines assessed in justices' courts held in the city of Ludlow, for offenses committed within the corporate limits of said city, shall be paid to the treasurer thereof, for the use and benefit of said city; and the marshal of said city shall have the same power and authority to execute and serve any process (both meane and final) in criminal, penal, and civil cases, within his jurisdiction, which may issue from said justices' court, that constables in the county of Kenton have

by law; and his return thereon, either to said justices' court, circuit, or any other court within this State, shall be *prima facie* evidence of such service or execution, and he shall be entitled to the same fees as are allowed constables for similar services; and the said marshal and his securities shall be liable for all his official acts, as provided above, in the same manner, and to the same extent, as constables are liable; and all actions or motions against him and his securities, or any of them, on account of said official acts, may be had and prosecuted in the same courts, and to the same extent, as provided by law for similar acts or motions against constables and their securities.

1876.

§ 8. That all acts or parts of acts inconsistent with or contrary to the provisions of this act shall be, and the same are hereby, repealed; and this act shall take effect and be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 821.

AN ACT to amend the charter of the Banklick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Banklick Turnpike Road Company be, and the same is hereby, so amended as to authorize the directors thereof to subscribe a sum not exceeding one thousand dollars to the capital stock of the Florence and Independence Turnpike Road Company, for the purpose of aiding said latter company in constructing their road.

Directors may add to stock.

§ 2. That the county surveyor, after the passage of this act, when called upon by said Banklick Turnpike Road Company, shall proceed to run and locate, by courses and distances, the centre line of said Banklick Turnpike Road, and shall make out two profiles thereof, one copy of which may be filed in the office of the Kenton county court, the other to be kept for the use of the directors of said company, all of which shall be paid for by said turnpike company:

County surveyor to run and locate line.

Provided, That nothing herein shall in any manner affect the right, title, or interest of any owner or owners of land on either side of said road, nor shall the said owners of land in any way be prejudiced in their rights and privileges by the

Proviso.

1876. provisions of this act, or any survey made under it, by virtue of the same.

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 822.

AN ACT for the benefit of J. N. Williams, late assessor of Calloway county.

WHEREAS, The late assessor of Calloway county, J. N. Williams, was required by law to take the agricultural list of every person in his county, and was allowed by law the sum of two cents for each of said lists; and whereas, said assessor did correctly take and report such lists during each of the years of his term of office, and was duly paid for each of said annual lists except the last one, and for that list he was not paid any amount whatever by reason of the adoption of the General Statutes, which omitted to authorize the Auditor to pay for such service, and said General Statutes having been adopted after said assessor was elected, and after he had performed said labor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasurer of this Commonwealth in favor of said J. N. Williams, for the sum of thirty-eight dollars and fifty-eight cents, it being his compensation for taking the agricultural list for the last year of his term of office, at the rate of two cents for each list.

§ 2. This act to take effect from its passage.

Approved March 18, 1876.

CHAPTER 823.

AN ACT to incorporate Melton Park, Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paul Waite, George Mason, and Joseph Whitehouse are hereby made a body-corporate, for the purpose of

improving and beautifying, for a park, the tract of land conveyed by A. A. Labrot to George Mason by deed dated November 3d, 1865, and recorded in deed-book No. 12, page 21, Kenton county records. Said lands are situated on the west bank of Licking river, adjoining the town of South Covington, beginning at a point thirty feet east of the centre of the Kentucky Central Railroad, and 36 poles 5 links north 19.30 degrees west from the southern boundary of the 323½ acre tract given by Gen. James Taylor to his daughter, Jane M. Williamson, and surveyed by Elijah Yates April 13th, 1836; thence eastwardly with the southern line of said Mason tract to Licking; thence northwardly with Licking river to the northeast corner of said tract; thence westwardly to the northwest corner of said tract; thence south to the place of beginning.

Boundary.

1876.

§ 2. This act shall be in force from its passage.

Approved March 18, 1876.

CHAPTER 825.

AN ACT to incorporate the Sandlick Baptist Church, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Howard, Wm. Webb, and Smith Jackson, and their successors in office, be, and they are hereby, created a body-corporate and politic, by the name and style of the "Sandlick Baptist Church, of Monroe county, Kentucky;" and in that name to have perpetual succession, with all powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, title, property, privileges, possessions, and immunities of said church, which now does or may hereafter belong to the same.

Corporators.

Name and style.

Corporate powers.

§ 2. That it shall be lawful for said church to acquire and hold real estate, as well as personal property; and to make investments for the use and benefit thereof to such amount, and to such value and character, as to said trustees may seem necessary or most expedient for the interest of said church: *Provided*, That the whole amount shall be vested in church property.

May acquire and hold real and personal estate.

1876.

Church property
exempt from tax-
ation.

§ 3. That no real estate so acquired and held by said church, and no investment made for or devoted to the use and benefit of said church, shall at any time be subject to any taxation or assessment for State or town purposes whatsoever: *Provided, however,* That the property and investments of said church so held exempt from taxation or assessment shall not exceed in value and amount the sum of ten thousand dollars.

Vacancies —how
filled.

§ 4. That whenever vacancies may occur with said trustees, it shall and may be lawful for them to be filled pursuant to the discipline and rule of said church; and the General Assembly of this Commonwealth hereby reserves the right to alter and amend this act.

§ 5. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 826.

AN ACT to amend an act to establish and maintain a graded school in the town of Harrodsburg, Kentucky, approved March 15th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections three and five of an act to establish and maintain a graded school in the town of Harrodsburg, Kentucky, approved March 15th, 1876, be, and are hereby, amended by striking out the words "first Saturday" wherever they occur in said sections, and inserting in lieu thereof the words "fourth Saturday."

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 827.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

City assessor—
how elected.

§ 1. That hereafter the assessor of the city of Louisville shall be elected by the general council of said city, by *viva voce* vote, in joint session.

§ 2. The first election of said assessor under this act shall 1876.
take place on the first Tuesday in December, 1877, and on the Time of election.
said first Tuesday every two years thereafter.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.

§ 4. This act to be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 828.

AN ACT to amend the charter of the Louisville and Nashville Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville and Nashville Railroad Company be, and is hereby, so amended that hereafter said company shall have power to develop the coal and iron lands along the line of its railroads, branches, leased roads, or along the line of the railroad of the South and North Alabama Railroad Company, in which it owns a majority of the capital stock, by the construction of branch roads and switches to coal lands or mines, and by such modes or plans as the president and directors of the company may deem best, a majority of said directors consenting to the building of said branch roads and switches.

§ 2. That this act take effect from its passage.

Approved March 18, 1876.

CHAPTER 830.

AN ACT to prevent the sale of spirituous or intoxicating liquors within one mile of the town of Williamsburgh, in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, directly or directly, any spirituous or intoxicating liquors, or a mixture thereof, to be drank, or which shall be drank, within one mile of the court-house in the town of Williamsburgh, in Whitley county.

§ 2. This act shall not prevent any person from selling any spirituous or intoxicating liquor, or a mixture thereof, upon

1876.

the written prescription of a regular practicing physician in good standing, stating that he has examined the applicant for a prescription. He shall also designate how much and with what the spirits or liquors are to be mixed, and that he believes, as a physician, the prescription will be beneficial for the applicant's health, and he shall sign the same.

§ 3. The prescription shall be numbered, dated, and carefully filed away, and noted in a book to be kept for that purpose by the person selling the prescription, subject to inspection by any person interested.

§ 4. That before any physician shall be authorized to give a prescription, such as is contemplated in this act, he shall take an oath that he will not give a prescription to any person including any intoxicating liquors, except, after examination, he finds the applicant for same sick with disease, and believes the same is necessary for the applicant's health, which oath shall be spread at large upon the records of the Whitley county court.

§ 5. Any person violating the provisions of this act shall be subject to all the penalties now denounced by law against the illegal sale of spirituous or intoxicating liquors.

§ 6. This act shall not be construed so as to authorize the sale of spirituous or intoxicating liquors to minors.

§ 7. All laws in conflict with this act are hereby repealed.

§ 8. This act shall be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 831.

AN ACT to incorporate the Campbell and Kenton Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That John B. Taylor, Edward Air, Henry Timberlake, W. J. Berry, James Southgate, Samuel Moreland, Jas. A. Scarlett, J. W. Livezy, Robert Howe, Smith Wilson, Joseph Cleveland, and Paul Waite, or any seven of them, their associates, successors, and assigns, be, and they are hereby, constituted and created a body-politic and corporate, by the name of the Campbell and Kenton Fair Company; and by
Name and style. that name shall have succession for thirty years, with power to

sue and be sued in all courts, contract and be contracted with; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Campbell or Kenton in the Licking Valley, in the neighborhood of Newport or Covington, not exceeding sixty acres; and personal estate not exceeding in value fifty thousand dollars, and hold and enjoy the same, together with any and all such property and estate as they may acquire or possess; they shall have and use a seal, which may be altered, changed, or renewed at the pleasure of the directors.

1876.

§ 2. That the capital stock of said company shall be divided into shares of fifty dollars each, to be subscribed and taken agreeably to such rules and regulations as the corporation may direct. Each and every one of the before named incorporators are authorized to receive subscriptions of stock in said corporation at any time or place they may think proper, and continue to receive the same until a sufficiency is subscribed, not exceeding in the whole fifty thousand dollars, which shall be paid in such calls as a majority of the board of directors may require; and all money and property belonging to the company or corporation shall be held by the board of directors in trust for the use and benefit of the same, and the net proceeds of the same distributed among the stockholders according to the amount held by each.

Capital stock.

§ 3. The officers of said company shall consist of a president, vice president, and five directors, to be chosen by the stockholders voting by shares, each share counting as one vote at their annual meetings, as follows: On the last Saturday in April, 1876, there shall be chosen by a majority of all the votes of the company a president, vice president, and five directors, each to hold his office until the next regular annual election, and until their successors are duly elected and qualified. The directors shall appoint a treasurer, secretary, and such other officers as they shall deem necessary, who shall hold their offices during the will of the board of directors, and perform such duties as the directory may order. After the first general election in April, 1876, there shall be an annual election on the first Saturday in January of every year. No person shall be eligible to the office of president, vice president, director, treasurer, or secretary who is not a stockholder.

Officers—how elected.

1876.

When fair to
be held.

§ 4. The board of directors may hold a fair annually at their grounds near the city of Newport or Covington, and oftener if they desire to do so, for the exhibition of stock, agricultural implements, and products, and such other articles as the board of directors may permit to be exhibited; and for the trial of the speed of horses in running or trotting, awarding such premiums as they deem proper; and may alter their grounds to be used for all lawful exhibitions, picnics, and pleasure parties.

May enact by-
laws, &c.

§ 5: The board of directors shall have power to make such rules, regulations, and by-laws as they may deem necessary for the interest and benefit of the fair company, and power to enforce the same. They may fix the rates of entries for exhibiting, and gate fees for spectators, and have power to collect the same. The president, vice president, and each of the directors shall be conservators of the peace, with power to order and cause the arrest of all disorderly persons, to be dealt with according to the laws of the State. They shall have power to appoint as many police or watchmen as they may deem necessary, who shall be sworn to faithfully discharge their duties. They shall have power to correct all disorderly persons, and to preserve good order, that constables and sheriffs now have.

§ 6. The board of directors shall have power to license peddlers and sales of any article, except spirituous, vinous, or malt liquors, and performances upon their grounds, and to restrain all such persons who do not take a license from their company for such purpose.

How contracts
are to be signed.

§ 7. All contracts shall be signed by the president, and countersigned by the secretary, and have the seal of the company affixed thereto. The entire property of the company shall be liable for all debts of the corporation, but in no event shall any member of the company be liable beyond the amount of stock held by him.

§ 8. Service of summons shall be upon the president acting at the time, or in his absence from the county, upon the secretary or treasurer.

§ 9. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 832.

1876.

AN ACT in aid of common schools in Calloway county.

WHEREAS, E. Owings, upon the testimony of the patrons, taught an acceptable common school in district No. 39, Calloway county, but by an untoward and accidental circumstance, failed to get a certificate by which he could legally be paid the public fund apportioned the district for the scholastic year ending June 30th, 1873; and whereas, it is the desire of those who received the benefits of his labors that he should receive compensation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of one hundred and twenty eight dollars and eighty-two cents be paid said E. Owings, from the interest due on the surplus bond of Calloway county, January 10th, 1877; and when the commissioner shall present his draft, properly countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant on the Treasury for said amount in favor of said Owings.

§ 2. This act shall take effect from and after January 11th, 1877.

Approved March 18, 1876.

CHAPTER 834.

AN ACT for the benefit of the assessor of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the assessor of the county of Harrison shall have the further time until the first day of June, 1876, to complete his list and return his tax-book to the county clerk of said county.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

1876.

CHAPTER 836.

AN ACT to amend the charter of the town of Elizabethtown, in Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Who liable to
work on road.

§ 1. That section thirty-four of the town charter be, and the same is hereby, repealed, and that all persons residing in said town who would be liable to work on roads under the general laws of the State shall be liable to work on the roads leading into the town within one half mile of the town boundary: *Provided, however,* That such of said persons as shall pay to the town collector two dollars and fifty cents (\$2 50) on or before July 1st in each year shall not be liable to such work.

Road districts
—how divided.

§ 2. That the board of trustees of said town shall divide said town into road districts, assigning the hands in each district to some road or roads leading into the town, and appoint for each such road a surveyor, who shall have all the powers and be under all the responsibilities of surveyors of roads under the general State laws. It shall be the duty of the town collector, on or about the second day of July in each year, to furnish to the board of trustees a list of all those liable to road tax who have failed to pay as provided by this act, and it shall be the duty of the clerk of the board of trustees to make out and furnish to each surveyor a list of the hands assigned to him, and the said surveyor may warn in his said hands as surveyors of county roads do. Any one liable to work who shall fail to attend and work diligently when so warned shall be liable to a fine of not less than four dollars nor more than ten dollars, recoverable in the police court of said town.

§ 3. That the board of trustees may allow the supervisors of the assessor's book a reasonable compensation for their services.

§ 4. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 837.

1876.

AN ACT to regulate the sale of spirituous liquors in the town of Watkinsville, or within two miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall hereafter be unlawful for any person or persons to sell spirituous, vinous, malt, or other intoxicating liquors, in less quantity than ten gallons, at the place called Watkinsville, situated near the point where the turnpike road from Frankfort to the Stamping Ground crosses the line dividing the counties of Scott and Franklin, or within two miles of said place.

§ 2. For any violation of this act, the person or persons offending shall be fined twenty dollars for each offense, to be recovered by warrant, issued in the name of the Commonwealth, by a justice of the peace, either of the Forks of Elkhorn precinct, in Franklin, or the Stamping Ground precinct, in Scott county, to either justice of both which two said precincts full power and authority is hereby given to try any violation of this act that may occur within their respective counties. And the same proceedings shall be had upon a judgment rendered as hereinbefore provided for, as if rendered by a circuit or criminal court for a similar offense.

§ 3. This act to take effect from its passage.

Approved March 18, 1876.

CHAPTER 839.

AN ACT in relation to an act to incorporate the Kentucky and Great Eastern Railway Company, approved March 22d, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four of an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company," approved March 22d, 1870, be, and the same is hereby, repealed.

1876. § 2. That it shall not be lawful for the county court of any county in which a vote has been taken on the proposition to subscribe to the capital stock of said company, and such proposition carried, to issue any bonds as directed in said sections hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 840.

AN ACT to amend the title of chapter 159 of the act approved February 14th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title to chapter 159 of the act approved February 14th, 1876, entitled "An act incorporating and for the benefit of Building and Loan Associations of the county of Jefferson and city of Louisville," be amended by adding thereto the words "and the city of Lexington and the counties of Boyle and Lyon;" and said act shall apply to said city and counties.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 841.

AN ACT for the benefit of J. M. Hester, of Graves county.

WHEREAS, In the spring of 1861, J. M. Hester became bail for the appearance of one W. G. Beck, to answer the charge of stabbing with intent to kill, in the Christian circuit court; and whereas, the said W. G. Beck, a few weeks thereafter enlisted in the Confederate army, and there remained until his capture in the summer of 1863, and was then carried to Camp Douglas, where he died in prison in January, 1864; notwithstanding which, judgment was afterwards rendered against the said J. M. Hester, for the non-appearance of the said W. G. Beck to answer the charge aforesaid, for the sum of two hundred dollars, amount of bail bond, which amount, he together with the accrued interest, amounting to two hundred and forty-four dollars and fifteen cents, he paid in the

spring of 1867 to J. C. Cocoran, deputy sheriff for T. J. Puryear, sheriff of Graves county, which sum was paid by said deputy sheriff aforesaid to A. H. Clark, trustee of the jury fund of Christian county, which said sum does not appear to have ever been accounted for by the said A. H. Clark, trustee of the jury fund of Christian county aforesaid, to the Commonwealth of Kentucky; but is now due to the State, with interest thereon from the 8th day of August, 1867; now, therefore,

1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all interest of the Commonwealth of Kentucky in and to said claim be, and the same is hereby, transferred and assigned, without recourse, unto the said J. M. Hester; and should the said A. H. Clark, upon demand made, fail or refuse to pay over or legally account for said sum of two hundred and forty-four dollars and fifteen cents, with interest from August 8th, 1867, then the said J. M. Hester is hereby authorized to institute proceedings in the Christian circuit court against the said A. H. Clark, and his sureties, as trustee of the jury fund of Christian county, in the name of the Commonwealth of Kentucky, for his use and benefit, for the recovery of said demand.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 842.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the Wilderness Turnpike Road."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section third of chapter nine hundred and seventy-seven of an act, entitled "An act to amend and reduce into one the several acts concerning the Wilderness Turnpike Road," approved April 21st, 1873, be so amended as to allow persons residing in the counties of Whitley, Clay, Jackson, and Rockcastle to pass through the toll-gate kept at Flat Lick, in Knox county, at the following rates of toll, and no

1876. more, viz : For each wagon, drawn by four or more horses, mules, or oxen, fifty cents; for each wagon, with three horses, mules, or oxen, forty cents; for each wagon drawn by two horses, twenty-five cents; for each wagon, cart, or other vehicle drawn by one horse, mule, or ox, if loaded, twenty-five cents, if empty, fifteen cents; for each break wagon and driver, forty cents; for each man and horse, five cents; for each loose horse, mule, jack, or jennet, two and one half cents; for neat cattle, two cents per head; for each hog or sheep, one cent per head.

§ 2. This act shall be in force from and after the 12th day of July, 1876.

Approved March 18, 1876.

CHAPTER 843.

AN ACT to repeal an act in regard to turnpike roads in Garrard county in which said county owns stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act in regard to turnpike roads in Garrard county in which said county owns stock, approved March 25th, 1873, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 844.

AN ACT to incorporate the Greensburg Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Bank established. Capital stock	§ 1. That there is hereby established a bank of deposit in the town of Greensburg, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-
Name and style.	politic and corporate, by the name and style of the Greensburg Deposit Bank, and shall so continue for twenty years
Corporate powers.	from the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, in all

courts and places whatever; they may have a common seal and change and renew the same at pleasure; they shall have power to receive gold and silver and bank notes and treasury notes on deposit, and loan the same in pursuance of the provisions, and subject to the penalties, of an act, entitled "An act to amend chapter fifty-three of the Revised Statutes, title 'Interest and Usury,'" approved March 14, 1871; to buy drafts, bills of exchange, and bonds; and they may allow interest on deposits at a rate not exceeding six per cent. per cent. annum, or allow depositors to share in the profits of said bank in such manner, and on such terms, as may be prescribed by by-laws.

1876.

Common seal.

§ 2. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as shall be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell the same according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of this State," approved March 16, 1871; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

May acquire and hold real estate.

§ 3. Said bank may appoint such officers as may be necessary for conducting her business, which shall be under the control and direction of four directors, each of whom shall be a stockholder at least four months previous to his election. They shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January in each year. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of profits arising out of the business, and to fix, allow, and pay the officers, agents, and servants such sums and wages and salaries as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable on the books of the company according to such rules as the board of directors shall, from time to time, establish.

Directors.

When elected.

Vacancy—how filled.

Power of directors.

Stock personal property.

1876.

Commissioners.

§ 4. Edward H. Hobson, William H. Chelf, A. S. Lewis, John G. Barret, and A. Monroe Adair are hereby appointed commissioners, any three of whom may open books and receive subscriptions for capital stock; and when one hundred and fifty shares have been subscribed. it shall be their duty to give notice, by written notices, one on the court-house door in Greensburg, and at five other public places in Green county, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: Five dollars on each share at the time of subscribing, and five dollars within ten days after the election of the first board of directors, and the residue in installments of ten dollars on each share every thirty days: *Provided, That* after fifteen thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any subscriber fail to pay for their subscription of stock as herein provided, after giving notice, in writing, of their intention, for thirty days beforehand, may recover the same by due process of law. Said corporation may commence business as soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath of the fact of such payment before some judge or justice of the peace.

Shares—how
paid.

When to com-
mence business.

Not a bank of
issue.

§ 5. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 6. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose, and to alter, amend, or repeal this act at pleasure.

§ 7. The stockholders of said bank shall be individually liable for the prompt payment of deposits to the extent of their stock subscribed.

§ 8. Unless said corporators shall organize and do business under this charter within two years from the approval hereof by the Governor, the same shall be null and void.

§ 9. A statement under oath by the cashier of the affairs of the bank shall be made on the first Monday in January and July of each year, for the inspection of the stockholders.

§ 10. The capital stock of this corporation shall be increased only by subscription on the books of said bank and actually paid in.

§ 11. The liabilities of said corporation, excepting that incurred for deposits, shall at no time exceed its paid up capital. 1876

§ 12. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 846.

AN ACT authorizing the county court of Jefferson county to pay the police of Beargrass municipality for their services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jefferson county be, and is hereby, authorized and empowered to pay out of the levy fund of said county the police of Beargrass municipality for their services rendered in the year 1874, a majority of the justices of said county concurring in such appropriation.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 847.

AN ACT for the benefit of J. E. Vickery, late sheriff of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. E. Vickery, late sheriff of Wayne county, be, and he is hereby, authorized and empowered, for two years from and after the passage of this act, to distrain for unpaid fee-bills and State and county taxes in said, subject to all the liabilities and penalties now prescribed by law for illegal distraints and levies.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 848.

AN ACT to incorporate the "Union Bank, of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in the city of Louisville, Kentucky, with a capital of one million Bank established.

1876.

Capital stock.

Name and style.

Corporate powers.

Common seal.

Directors—how chosen.

Vacancy—how filled.

May declare dividends, &c.

Stock personal property.

Commissioners.

of dollars, in shares of one hundred dollars each, to be paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body politic and corporate, by the name and style of the "Union Bank of Louisville;" and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded; and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. *Be it further enacted.* That said bank shall be under the control of seven directors, each of whom shall be a stockholder, and at least four of whom shall be residents of the State of Kentucky. After the first election they shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy may be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said bank remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business; and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish.

§ 3. *Be it further enacted,* That Owen W. Thomas, Henry G. Philips, John D. Taggart, John B. McFerren, William H. Meriwether, and James A. Cunningham are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when not less than six thousand shares of stock shall have been subscribed for, it shall be their duty to give notice in two or more daily newspapers published in said city of Louisville, and appoint a day for the election of a board of directors, who shall hold their

offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: There shall be paid fifty per cent. on the amount of each subscription within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after four hundred and twenty thousand dollars of said subscription shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue of said subscription; and should any of the subscribers fail to pay for their subscriptions of stock in full as herein provided, after giving notice of their intention in some daily newspaper in said city for thirty days, the directors may, by resolution entered on their records, forfeit all the stock of such delinquent subscribers, and resell the same at such times as they may deem expedient for the purpose of paying to said bank the subscription in full for any unpaid calls on said subscribed stock; and if there should be any balance remaining of such sale after paying the bank in full for said unpaid calls on subscribed stock, it shall be paid back to said delinquent subscriber. Said corporation may commence business so soon as four hundred and twenty thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary.

Shares—how payable.

Proviso.

When to commence business.

§ 4. *Be it further enacted*, That said bank may receive deposits of gold and silver, bank notes, or other notes which may be lawfully circulated as money, and repay the same, in such manner, at such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors, by special or general contracts; may deal in the loaning of money, and in exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the former as may be agreed upon, in all respects as natural persons may do under the law; and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

1876.

May acquire
and hold real es-
tate.

§ 5. *Be it further enacted*, That the said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of, or to aid in the satisfaction of, any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

Not a bank of
issue.

§ 6. *Be it further enacted*, That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 7. *Be it further enacted*, That the General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 8. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 849.

AN ACT to amend section two, article one, chapter fifty-five, General Statutes, applying to Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Owner of cattle
responsible for
damages.

§ 1. That the following be added to section two, article one, chapter fifty-five, General Statutes: *And provided further*, That if any cattle shall enter into any grounds inclosed by a fence, although the same may not be a lawful fence, the owner of said cattle (live stock) shall be liable to the owner or occupant of said inclosure for any damage he or they may sustain by reason of such entry or trespass that may be committed by such cattle; said damage to be recovered by suit in any of the courts in this Commonwealth held in the county where said trespass is committed having jurisdiction of the amount sued for.

Lien upon tres-
passing cattle

§ 2. The party injured by such trespass shall have a lien upon the cattle committing the trespass for any judgment, including the costs, that he or they may recover in such action, until the same is fully paid. Said lien shall exist

from the time of the filing of the suit, which shall describe the cattle committing the trespass. Said lien shall be enforced by execution, which shall issue on said judgment, describing particularly the cattle which shall be levied upon the same, and sold as other personal property is now sold under execution: *Provided further*, That this act is not to be construed in such manner as to require the plaintiff to pursue his remedy by lien, should he desire to waive the same, and take an ordinary execution.

1876.

How enforceable

Proviso.

§ 3. This act shall apply only to the county of Gallatin, and shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 851.

AN ACT in aid of common schools of Livingston county.

WHEREAS, The common school commissioner of Livingston county committed an error in his census report to the Superintendent of Public Instruction; therefore, for his relief,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction, upon ascertaining the amount that would have been due had said report been correct, shall draw his draft upon the Auditor in favor of John E. Lemen for said sum, and the Auditor shall issue his warrant upon the Treasury, to be paid out of any unexpended interest balance on the surplus bond of the county for the school year ending June 30th, 1877.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 853.

AN ACT for the benefit of W. T. Graves, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to protect the citizens of this Commonwealth from empiricism," approved February 22, 1874, shall not apply to Wm. T. Graves, of Ballard county, for the term of two years from the passage of this act.

1876. § 2. That this act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 854.

AN ACT for the benefit of W. F. Fluty, of Estill county, committee for Walker Durbin, a pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of thirty-five dollars be, and is hereby, appropriated to W. F. Fluty, committee for Walker Durbin, a pauper idiot of Estill county, in payment of his allowance, from the 17th day of April, 1875, to the 17th day of October, 1875; and the Auditor is directed to draw his warrant for same, payable out of any money not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved March 18, 1876.

CHAPTER 855.

AN ACT, entitled "An act for the benefit of the Cynthiana, Connersville, and Scott County Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the grade of the Cynthiana, Connersville, and Scott County Turnpike Road, as now built, is established and hereby legalized, and that said road shall be entitled to all the privileges and immunities that are now or may hereafter be conferred upon turnpike roads by the general laws of this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 856.

1876.

AN ACT for the benefit of Company E, First Regiment Kentucky State Guards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer for the following sums, in favor of the following named persons, officers and members of Company E, First Regiment Kentucky State Guards, for services rendered under a call and by order of Hon. M. H. Owsley, judge of the eighth judicial district, to suppress insurrection in the county of Garrard, as follows, viz: Captain W. S. Miller, \$24; Lieut. Greenleaf, \$21; Lieut. John F. White, \$27; Jas. A. McGrail, sergeant, \$22; F. D. Owsley, 2d sergeant, \$8; Arch. Walker, 3d sergeant, \$4; John T. C. Thompson, 4th sergeant, \$14; E. D. Bishop, 5th sergeant, \$8; Thos. K. Salter, corporal, \$2; John S. Marrs, 2d corporal, \$10; R. S. Haselder, 3d corporal, \$12; John T. Denton, 4th corporal, \$6; W. B. Arnold, \$7 50; Isaac Arnold, \$9; Geo. T. Arnold, \$1 50; J. C. A. Buford, \$10 50; Richard Brown, \$10 50; J. G. Burnside, \$1 50; Zach. Blackoby, \$1 50; Geo. A. C. Griffin, \$6; William Greenleaf, \$13 50; Harris Lewis, \$4 50; Edward C. Hopper, \$16 50; Wm. Jennings, \$4 50; James Middleton, \$7 50; John C. Morgan, \$4 50; Smith Mershon, \$10 50; John Mershon, \$7 50; W. B. Mason, \$12; Joel Owsly, \$15; James Patterson, \$1 50; W. O. Rigney, \$6; James H. Stephens, \$3; W. H. Stephens, \$6; C. W. Sweeney, \$7 50; Henry Spratt, \$4 50; John Singleton, \$13 50; H. L. Tattle, \$9; James W. Tate, \$15; Thomas Wherner, \$1 50; W. C. Wherner, \$13 50; I. B. Weatherford, \$9; Jos. B. Wortham, \$9; C. F. White, \$7 50; Jos. Weisigher, \$9; Alex. Ware, \$9.

§ 2. *Be it further enacted,* That the Auditor be directed to draw his warrant on the Treasurer for the further sum of eighty-eight dollars, payable to Captain W. S. Miller, for the purpose of paying for rations for the men above named while on duty.

§ 3. This act to take effect from its passage.

Approved March 18, 1876.

1876.

CHAPTER 857.

AN ACT in relation to the police court of Winchester, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in the absence of the judge of the police court of said town, or if for any reason he cannot preside at the trial of any civil or criminal case pending in said court, then the chairman of the board of trustees of said town, or in his absence, the nearest magistrate to the court-house in said town, shall preside and try such case or cases, and shall have all the power, and be entitled to all the fees, which said police judge now has, or to which he shall by law be entitled.

§ 2. This act to take effect after its passage.

Approved March 18, 1876.

CHAPTER 859.

AN ACT prescribing the manner in which suits may be brought against the trustees of the Cincinnati Southern Railway and others by the stockholders of the Covington and Lexington Turnpike Road Company and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for any stockholder or stockholders of the Covington and Lexington Turnpike Road Company to institute and prosecute any suit or suits, by equitable proceedings, in the circuit court of the counties of Grant, Boone, or Kenton, in whichever county such stockholder may reside, against the trustees of the Cincinnati Southern Railway, to recover any damages which he, she, or they may have sustained by reason of any interference with, or change or damage done to, the said turnpike road in the counties of Boone, Grant, or Kenton, or any injury or damage done to such stock, or the value thereof, by any interference with or change of said turnpike road by the trustees of the said Cincinnati Railway in constructing and maintaining their railway in, upon, and contiguous to the said turnpike road, or by altering or changing the said turnpike road.

Stockholders
may unite in one
suit.

§ 2. That it shall be lawful for any number of stockholders to unite in the same suit; and the suit or suits shall be

conducted upon equitable principles, according to the rules prescribed in the Civil Code of Practice in equitable proceedings in similar cases.

1876.

§ 3. The court shall have power to cause all necessary parties to be made to enable the court to do full.

§ 4. The suits may be brought in the corporate name of the said turnpike road company, for the use of parties suing, or in the name of the stockholders, in which event the turnpike corporation shall be made a party. How brought.

§ 5. It shall be lawful for any person owning lands adjoining said turnpike road, or through whose lands the said road may have been located, to institute any suit or suits, by equitable proceedings, in either of the counties aforesaid, in which such lands, or the greater part thereof, may lie, in his or her own name, or in the corporate name of the said turnpike road company, as provided in the fourth section of this act, to recover any damages which he, she, or they may have sustained by reason of the construction of said railway in or upon the said turnpike road, or by reason of any change or alteration of the said turnpike road, or injury to the same, as an easement to such owner or owners of lands as aforesaid by the said trustees of the Cincinnati Southern Railway. In whose name brought.

§ 6. It shall be lawful for any number of such land-owners to unite in the same suit, and the same shall be conducted in the manner prescribed in the second section of this act, and the court shall cause all necessary parties to be made to enable the court to do full justice to all parties interested.

§ 7. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 860.

AN ACT to incorporate the Lewisburg High School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. George Richardson, George F. Sutton, George F. Arnold, W. P. Browning, and S. J. Henry, and their successors in office, are hereby constituted a body-politic and corporate, under the name of the Trustees of the Lewisburg High School. Trustees.

1876.

How elected.

§ 2. The trustees herein named shall provide for the election of their successors some time in the year 1877, and thereafter trustees shall be elected at the same time and place annually by stockholders, each of whom shall have one vote for each share of stock standing in his name on the books at and for one month before the day of election. Of the time and place of the first election notice shall be given by publication for two weeks in the county paper, or by writing posted at three or more public places in Lewisburg.

Term of office.

Power of trustees

§ 3. Trustees shall hold office till their successors are elected and qualified; they may of their number appoint a chairman, secretary, and treasurer; they may make such rules and regulations for their government while in session, and for the management and control of the school, and the property belonging to the corporation, as may not be inconsistent with the Constitutions and laws of the United States and State of Kentucky; they may prescribe the manner of holding elections of trustees, of filling vacancies, for transfer of shares of stock; they may receive subscriptions and donations to the capital stock, which shall not exceed ten thousand dollars, and shall be in shares of fifty dollars each, which shall be deemed personal property; they may purchase and hold such real and personal estate, not exceeding ten thousand dollars in value, as they may consider useful to the school; they may borrow money at a rate not exceeding ten per cent. per annum, and may, to secure the payment thereof, execute a mortgage on any or all of the property of the corporation, real or personal; they may employ a principal teacher and assistants; they may, at their discretion, rent the property, real and personal, for school purposes, but not for a period longer than a year at a time, nor shall it be rented for any purpose other than that of having a school taught; they may sell any of the personal property, and may sell and convey all of the real estate: *Provided, however,* That in the conveyance of the real estate, all stockholders shall join with the trustees; or the property may be sold and conveyed by order at a circuit court, or court of similar equity jurisdiction, on a petition of the trustees filed by order of a majority of the stockholders made at a regular meeting, or at a meeting called for that purpose, of which all stockholders shall have ten days' prior notice in writing.

§ 4. This act shall take effect from and after its passage.

1876.

Approved March 18, 1876.

CHAPTER 862.

AN ACT for the benefit of E. F. Adkins, of Whitley county.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, approved February 5th, 1867, as appears from the Acts of 1867, volume 1st, page 270, the Auditor of Public Accounts was authorized to draw his warrant on the Treasury in favor of E. F. Adkins, of Whitley county, for the sum of one dollar per day for the time he guarded the jail of Whitley county while Lewis Parton was confined therein for the murder of James Leforce, the time to be certified to the Auditor by the clerk of the Whitley circuit court; and whereas, the Auditor refused, and still refuses, to draw his warrant on the Treasury for the amount due said E. F. Adkins, by reason of the fact that the "ayes and nays" were not taken upon the passage of said bill as required by law (the amount due being more than one hundred dollars); now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasury in favor of E. F. Adkins, of Whitley county, for the sum of one dollar per day for the time he guarded the jail of Whitley county while Lewis Parton was confined therein for the murder of James Leforce, the time to be certified to the Auditor as other claims on the Treasury are certified.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 863.

AN ACT to authorize the board of trustees of Somerset to compel able-bodied males arrested on *capias pro fine* to pay such fine by work.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Somerset be, and they are hereby, empowered to compel any able-bodied

Persons fined may be worked on streets, unless fines are paid or replevied.

1876. male persons arrested on *capias pro fines*, issued from the office of the police judge thereof, to work, under the superintendence of the marshal, or other person appointed by them, on any of the streets or alleys or public grounds of said town. Said convicts shall be allowed, as a credit on such fines, not less than one dollar per day, the price to be regulated by said board of trustees, for their labor, until their fine is paid. Nothing herein is to preclude the party convicted from paying off or replevying the fine and costs assessed against him.

Jailer—his duties and compensation.

§ 2. The jailer of Pulaski county shall receive said convicts, when not at labor, for safe-keeping, for which he shall be entitled to the same fees now allowed him by law for similar services, to be paid him by the board of trustees.

§ 3. That while said convicts are at labor, the trustees may impose any humane restraint upon them, by means of chains or otherwise, necessary to prevent their escape.

§ 4. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 864.

AN ACT to legalize certain orders of Hardin county court.

WHEREAS, At the January term, 1876, of the Hardin county court, the minutes, orders, judgments, and proceedings of the court were not regularly read and signed before each adjournment as required by law, and were not read by the clerk and signed by the judge until the 29th day of January, 1876; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the minutes, orders, judgments, and proceedings of the Hardin county court, made at its January term, 1876, shall be, and are hereby declared to be, as binding and as effectual for all purposes as if they had been regularly read by the clerk and signed by the presiding judge before each adjournment, and as if done in strict conformity with the statute regulating the proceedings of county courts.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 865.

1876.

AN ACT for the benefit of J. M. Read, of Metcalfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of J. Matt. Read, for the sum of forty-eight dollars, to be paid to him out of any money in the Treasury not otherwise appropriated.

§ 2. *Be it further enacted,* That this act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 866.

AN ACT regulating the manner of voting in Bourbon county on questions of tax for subscription to railroad companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all votes of subscription and taxation therefor for railroad purposes hereafter to be made within the county of Bourbon, the portion of the county outside of the limits of the city of Paris, as they existed under the act of March 5th, 1868, shall vote separately from the portion of the county embraced within said limits; and no tax shall be imposed for said purpose upon the property of those residing outside of said limits unless the votes of a majority of the voters then residing outside of said limits shall be cast in favor of such subscription and tax.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 869.

AN ACT to authorize the Boyd county court to purchase the Ashland and Catlettsburg Turnpike.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyd county, a majority of the justices of the peace of said county concurring therein, Mode of purchase

1876. are authorized to purchase the Ashland and Catlettsburg Turnpike, upon such terms as to price and time of payment as may be agreed upon between the Ashland and Catlettsburg Turnpike Company and said county court, and said court may issue its bonds, bearing a rate of interest not exceeding ten per cent. per annum, due at from one to five years, or such other time not exceeding five years as the court shall see fit, to an amount sufficient to pay for said road, and dispose thereof either directly to the company or dispose thereof at not less than the par value for the purpose of paying for said road; and said county court may levy an ad valorem tax on the property of the county subject to tax for State revenue purposes as will be sufficient to pay the bonds and interest at maturity, not, however, to exceed ten cents on the one hundred dollars' worth of taxable property in any one year; and the fund raised by such tax shall be devoted first to the payment of said bonds.

May issue bonds.

May levy an
ad valorem tax.

§ 2. In the event that said county court should decide to purchase said road, the Ashland and Catlettsburg Turnpike Company is authorized to make the sale, all the stockholders concurring; and such sale and purchase shall vest the county court with the road and all its property, rights and franchises, as fully as the said company now have the same under its charter; and the road shall be under the management and control of the county court. The court may make such regulations for the management of the road, and appoint such officers and agents, as it may deem expedient: *Provided*, That the regulations are not inconsistent with the charter. The court may make it a free road, or continue to hold and control the same, collecting tolls and managing the same as allowed by the charter of the company and the provisions of this act.

§ 3. If the county court should deem it to the interest of the public to purchase said road, and cannot obtain the consent of all the stockholders to a sale, then the court may purchase the stock of such of the stockholders as may sell, and pay for the same in the manner allowed and provided in the first section of this act, and receive and hold the stock, and may, from time to time, appoint agents to represent the county, and vote its stock in all meetings of stockholders,

or do any act allowed by the charter as any other stockholder.

1876.

§ 4. That before this act shall take effect, it shall be submitted to the voters of said county, and a majority concurring therewith, such shall become a law.

§ 5. This act shall be in force from its passage.

Approved March 18, 1876.

CHAPTER 870.

AN ACT to incorporate the Caverna and Bear Wallow Turnpike Road Company, in Hart and Barren counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas H. Martin, W. J. Webb, Lewis Veluzat, W. E. Bledsoe, H. S. Shandy, W. T. Edwards, T. S. Walton, C. Y. Wilson, R. T. Smith, R. J. Sublet, J. M. White, J. R. H. Caldwell, J. L. Smith, T. L. Anderson, W. S. Miller, M. V. Edwards, William Beard, and J. M. McKay and their successors and associates, be, and they are hereby, created a body-politic and corporate, under the name and style of the Caverna and Bear Wallow Turnpike Road Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; to have and use a common seal, and break, alter, or change the same at pleasure; and do all acts which such bodies-corporate may do, not inconsistent with the general laws of the State, or forbidden thereby, and which may be necessary or fit to enable said corporation to execute the powers hereinafter granted.

§ 2. *Be it further enacted,* That said corporation is hereby authorized to construct a turnpike or macadamized road from Caverna, in Hart county, to Bear Wallow, in Barren county, upon the most practical route, as may be determined on by the board of directors after their election and organization.

§ 3. *Be it further enacted,* That the capital stock of said company shall be ten thousand dollars, and shall be divided into shares of fifty dollars each, but the capital stock may be increased or diminished by order of the president and board of directors at any time before the stock is taken.

1876.

§ 4. *Be it further enacted*, That any three of the corporators may open books for said company for the purpose of receiving subscription of stock in said company; and as soon as one thousand dollars of stock is subscribed for, the stockholders may proceed to organize by electing from among the stockholders a president and six directors; but the time and place of holding said election shall be advertised at least ten days by written notices posted up in Caverna and at or near Bear Wallow. Said officers, when elected, shall hold their offices for one year, and until their successors are duly elected and qualified. An election shall be held annually of officers of said company, at such time and place as may be fixed by the board of directors; at which elections the stockholders, and none other shall be allowed to vote; and each stockholder shall be allowed in all elections to cast one vote for each share of stock he has and owns in said company.

§ 5. *Be it further enacted*, That the president of the board shall have power to appoint a treasurer of said company, and may remove him at pleasure, and shall require of him a bond with good security, conditioned for the faithful discharge of all his duties.

§ 6. *Be it further enacted*. That after said company shall have completed their road, they may erect across the same, at such place as they may see proper, not less than one mile from Caverna, one toll-gate, at which they may charge such tolls as they may determine upon, not, however, to exceed the sums specified in chapter one hundred and ten of the General Statutes, title "Turnpike, Gravel, and Plank Roads."

§ 7. *Be it further enacted*. That the width of gravel or rock on said road, commonly called macadamizing, shall not be less than twelve feet in any part, and shall in all other respects be built according to the provisions of the laws of this Commonwealth, with a grade not exceeding five degrees.

§ 8. *Be it further enacted*, That the board of trustees of the town of Caverna shall have power to subscribe in said company as much stock as they may deem proper, not exceeding fifteen hundred dollars; but before they are authorized to do so, they shall appoint suitable officers, and give ten days' previous notice, and open an election in said town of Caverna, at which election the proposition shall be submitted to the qualified voters resident in said town, as to whether said board of trustees shall, for and on behalf of said town, sub-

scribe to the capital stock of said company the sum which shall have been previously fixed by the board of trustees; and if a majority of all the qualified voters resident in said town shall vote in the affirmative, then said board of trustees shall subscribe the sum so voted on to the capital stock of said company, or they may direct the president of their board, or other officer of their board, to subscribe for said town said stock.

1876.

§ 9. *Be it further enacted*, That if said stock is subscribed, for and on behalf of said town, to the capital stock of said company, then it shall be the duty of said board of trustees to annually levy a tax upon all the taxable property in said town sufficient to pay the calls made by the president and directors of said company, until all their stock is paid in; and they shall appoint a collector of said tax, and cause the same to be paid upon calls made by the said company.

§ 10. *Be it further enacted*, That this act shall be in force from its passage.

Approved March 18, 1876.

CHAPTER 871.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Dayton, in Campbell county, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Dayton, in Campbell county, is hereby authorized and empowered to increase the bonded indebtedness of said city, to an amount not exceeding the sum of one hundred and fifteen thousand dollars, by issuing the coupon bonds of said city as now provided by law.

May issue additional bonds.

§ 2. That from and after the second Monday in March, 1876, the mayor of said city shall receive, in addition to the fees now allowed by law, an annual salary of two hundred dollars, to be appropriated by the city council, and paid out of the general fund of said city.

Mayor—his compensation.

§ 3. This act shall take effect after its passage: *Provided*, A majority of the legal votes cast at the regular municipal election to be held in said city on the second Saturday in April, 1876, are voted in its favor. It shall be the duty of

A vote to be taken.

1876. the officers of said election to take the vote upon the approval or disapproval of each section of this act, separately and have the same recorded in separate columns in the general poll books of said election.

§ 4. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 872.

AN ACT to incorporate the Bank of Adairville, of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Bank established
Name and style.
Corporate powers.
§ 1. That there is hereby created and established, in the town of Adairville, Kentucky, a deposit bank, which shall be a body-politic and corporate, by the name of the "Bank of Adairville;" and shall have power and authority in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and alter and change the same at will.

Directors—how elected.
§ 2. The property, business, and affairs of the corporation created by the first section of this act shall be under the management, government, and control of a board of seven directors, who must be citizens of the State of Kentucky, one of whom shall be elected, annually, president of the board, and Geo. W. Ewing, Wm. B. Tyler, J. H. Conn, Geo. W. Bailey, P. E. Townsend, W. K. Rayburn, and R. P. Townsend are hereby constituted and appointed a board of directors of said corporation, to serve as such until others are duly elected and qualified; and should any of the persons above named fail or refuse to qualify and serve as directors, his or their place or places may be declared and treated as vacant, and the vacancy or vacancies may be filled by the remainder; and all vacancies occurring in the board of directors may be filled by the other directors. An election of seven directors shall be held on the first Saturday in July, 1878, at the office of said corporation in Adairville, and annually thereafter on the same day; but the directors may provide for holding the election at a different time, but not to extend their own terms, notice of which shall be given for at least twenty days next preceding said election; and said election shall be held by three

(3) stockholders, appointed by the directors, who shall certify the result for record on the books of said corporation. Those having received the highest number of votes shall be declared duly elected, each stockholder to have one (1) vote for each share of stock he or she may own, and may cast the same in person or by proxy. The board of directors may receive subscriptions for as many shares of the stock of said corporation remaining unsold as they may at any time choose to sell; declare dividends of profits arising out of the business, and appoint such officers, agents, and servants as they may deem necessary; fix their compensation, provide for the administering of oaths, and taking such bonds as they may deem necessary to secure a faithful discharge of their duties; and may, from time to time, make all necessary by-laws, rules and regulations (not inconsistent with the Constitution or laws of the Commonwealth or the Constitution or laws of the United States), for the government of the corporation, and the conduct of its business, and alter and amend or repeal the same at pleasure.

1876.

§ 3. The capital stock of said corporation shall consist of one hundred shares of the par value of one hundred dollars each, but may be increased, from time to time, as the board of directors may deem advisable and proper, to any number not exceeding one thousand shares of like par value. The stock shall be personal estate, and transferable on the books of the corporation according to its by-laws.

Capital stock.
Stock personal property.

§ 4. The directors of said corporation are hereby authorized and empowered to open books for and receive subscriptions of stock, or for such increase of stock as is provided for by section three of this act, from time to time, as they may deem proper, and at such places within the Commonwealth as they may deem best to promote the interest of said corporation; and said directors shall fix the time and manner of paying in the same, and prescribe in the subscription what failure or failures shall authorize a forfeiture of stock subscribed for; and whenever one hundred shares of the stock shall have been subscribed and paid in, in accordance with the terms and conditions upon which the same were subscribed, said corporation may proceed to transact a general banking business, and may loan money, discount promissory notes, buy and sell exchange, stocks, bonds, and other securities.

Powers of directors.

1876. § 5. Said corporation may acquire and hold, possess and use, occupy and enjoy, all such real and personal property, goods and chattels, as may be convenient and necessary for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debts, judgments, or decrees, and may sell or convey, or otherwise dispose of the same, as a natural person.

May acquire
and hold real and
personal estate.

§ 6. Said corporation shall have power to loan money on approved securities of any kind, to make advances on tobacco and other products of the country; it may receive bonds, stocks, produce, merchandise, and other things in pledge for the security of money; it may also receive in pledge, or as security for money loaned, United States bonds or certificates of indebtedness, or the bonds of any other States of the United States, and sell the same on the non-payment of the debt or demand in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871.

§ 7. Said corporation may receive deposits of gold, silver, bank notes, United States Treasury notes, or other currency, and pay the same in kind, or as may be agreed upon by special or general contract, and may allow interest on deposits not to exceed the rates allowed by the laws of this Commonwealth. It may issue certificates of credit, payable throughout the United States and elsewhere, but shall not issue any notes or bills to circulate as money.

May receive
deposits, &c.

Not a bank of
issue.

§ 8. This act shall remain in force for twenty-five years. The General Assembly, however, shall have the right to examine the affairs of said corporation by any committee appointed for that purpose, and hereby reserves the right to repeal, amend, or modify this charter at pleasure.

§ 9. The officers of said corporation shall, on or before the tenth day of January in each year, make a full statement, under oath, of the business of said corporation the previous year; the amount of "bona fide" cash capital paid in; the amount of property owned, and in what it consists; and their indebtedness, and for what created, giving a full and complete exhibit of their financial condition, and file the same with the Auditor of State.

Officers to make
statement.

§ 10. If at any time this corporation shall determine to increase its capital stock as herein provided, such increase shall be subscribed for on the books of said company, shall be actually paid in, and certificates issued therefor, under the same rules and regulations, and in the same manner, as the original stock is subscribed for and taken; and no stock of said corporation shall be issued or placed upon the market by the corporation, except where the same had been subscribed on the books of the company and actually paid in.

1876.

May increase capital stock.

§ 11. Every stockholder shall be individually liable to the creditors of the bank to the full amount of the stock subscribed for and owned by him or her; but when the same shall have been paid for in full, then no further individual liability attaches to said stockholders.

§ 12. The indebtedness of this corporation, over and above that incurred for deposits in money, shall at no time exceed their paid up capital stock.

Amount of indebtedness.

§ 13. This company hereby created must organize and go into business, in good faith, within two years from the passage of this act, and if not, this charter is forfeited.

How charter may be forfeited.

§ 14. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 873.

AN ACT to prohibit the county judge of Hardin from issuing license to any citizen of West Point district, in Hardin county, to sell any spirituous, vinous, or malt liquors.

WHEREAS, The citizens of West Point district, in Hardin county, did, at a regular election, in the year 1875, vote for local option, and carried the same by a large majority; and whereas, there was some informality in the return of the officers of said election; in consequence of said informality, the county judge of said county refused to recognize the validity of said election; now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said election is hereby declared legal and valid, and that the judge of the Hardin county court is hereby prohibited from issuing license to any person to sell spirituous, vinous, or malt liquors in said district until the expiration of

1876. the time for which said citizens voted in favor of an act commonly called the local option.

§ 2. This act to take effect from its passage.

Approved March 18, 1876.

CHAPTER 874.

AN ACT to amend an act, entitled "An act to regulate official advertisements in the county of Henry," approved February 10th, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act approved February the 10th, 1874, as allows the publishers of official sales therein mentioned to charge not exceeding twelve dollars for the sale of real estate, and six dollars for personal property, be, and the same is hereby, repealed; and that the publishers of said sales shall be allowed hereafter to charge, for the publication of such sales, at the rate of one dollar per square, and twenty-five cents for every insertion after the first.

§ 2. This act to take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 875.

AN ACT exempting the citizens of Bryantsville, in Garrard county, from working on any road outside of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the citizens of the town of Bryantsville, in the county of Garrard, be, and are hereby, exempted from working on any public road in said county outside of the town limits of the town of Bryantsville.

§ 2. This act shall be in force from its passage.

Approved March 18, 1876.

CHAPTER 876.

1876.

AN ACT to legalize the acts of R. R. H. Gillock as clerk of Barren county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the acts of R. R. H. Gillock as clerk of Barren county court under the Provisional Government of Kentucky during the late civil war, be, and the same are, declared legal and valid when the same are in due form.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 877.

AN ACT for the benefit of Theodosia Wells, a pauper idiot of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum of two hundred and seven dollars and fifty cents, in favor of T. J. Lyon, committee for Theodosia Wells, a pauper idiot, it being the amount said pauper idiot is entitled to by law from March 1st, 1873, to March 6th, 1876.

§ 2. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 880.

AN ACT to make additional provision for the education of the colored children in the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of school trustees of the city of Covington, out of any funds in their hands derived by taxation under and by virtue of the city ordinances of said city, be, and are hereby, authorized and empowered to establish and maintain schools for the colored children of the city, in such numbers and localities as, in their judgment, will furnish sufficient educational facilities for the colored children of the city.

1876. § 2. Said schools shall be under the same control, rules and regulations, as govern other schools of the city.

§ 3. This act shall take effect from its passage.

[Became a law March 20, 1876, the Governor having failed to return it within ten days.]

CHAPTER 882.

AN ACT to repeal a part of an act to amend an act, entitled "An act to incorporate the Danville Gas-light Company," approved February 7th, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section second of this act be repealed, commencing as follows: "And said collector shall receipt separately for said tax, when collected, which receipt shall be transferable; and when an amount equal to one or more shares of stock in said Danville Gas-light Company shall be presented at any one time by any one individual, firm, or corporation, it shall be the duty of the mayor and council or board of trustees to transfer to said individual, firm, or corporation the number of shares represented by the amount in gross of such receipt or receipts, at its market value (not below par), and for any excess above an even number of shares to give a certificate therefor to said individual, firm, or corporation for the amount in excess of the share or shares so transferred, which shall stand in lieu of a receipt for said amount, and to be good when presented with other tax receipts given for such purpose; and this privilege shall continue until the whole amount of shares held by said town have been exhausted, and no longer; and if any individual, firm, or corporation shall, at any time before said stock shall have been exhausted, present to said mayor or chairman of board of trustees one of the bonds of said town issued for said stock, and demand stock therefor, it shall be received in like manner as said tax receipts; and all bonds so redeemed shall be canceled by said mayor or chairman of the board of trustees.

§ 2. That this act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 884.

1876.

AN ACT to amend the charter of the Bank of Woodford, approved March 3d, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sixth section of an act approved March 3d, 1869, entitled "An act to incorporate the Bank of Woodford, at Versailles, Kentucky," be amended as follows: And promissory notes payable to any person or persons, or to a corporation, and payable and negotiable at any bank incorporated under the laws of this State, or organized in this State under any law of the United States, which shall be indorsed to, or made payable to, and discounted by the Bank of Woodford, shall be, and they are hereby, placed on the same footing as foreign bills of exchange.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 885.

AN ACT authorizing the president and three directors to lease the Bardstown and Springfield Turnpike Road to Sanford Cutsinger, or others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president of the State road, with the consent of the Governor, from Springfield to Bardstown, is hereby authorized to lease the same to Sanford Cutsinger or others.

§ 2. It shall be the duty of the president and three directors to require the contractor to execute bond, with approved security, for the faithful performance of his duty, in keeping said road in good repairs, and receive from said contractor such amount of money, if any, that the president and directors may agree on, they being by this act authorized to contract for repairs and lease.

§ 3. This act to be in force from its passage.

Approved March 20, 1876.

1876.

CHAPTER 886.

AN ACT for the benefit of school district No. 1, Oldham county.

WHEREAS, It is desirable to encourage the building of a school-house in district No. 1, Oldham county, and it is believed that a reduction of the legal term required will enable the patrons to accomplish this end.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the school year ending June 30th, 1876. the teaching of a three months' school in district No. 1, Oldham county, shall be legal.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 887.

AN ACT to improve roads in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a head or capitation tax of four dollars be assessed on every male citizen on the north side of Green river, in Butler county, subject to work on public roads, which assessment may be paid in work on the road at one dollar per day.

§ 2. That every supervisor be sworn into office as other county officers are, and that they be made the collectors of said road tax so assessed in their respective precincts, and that they be required by law to give bond and make settlement with the county court in December in each year, and to pay into the county treasury all the money they may have collected, which shall constitute a road fund to be used only for the repairing public roads and bridges on the north side of the river in said county, and then only in those precincts of public road proportionately as precincts pay tax, said fund to be appropriated only by order of the county court: *Provided*, That a majority of the qualified voters on the north side of said river, in Butler county, may concur in the provisions of this act, the question to be submitted at the next general election.

§ 3. That each supervisor be exempt from said tax as remuneration for his services.

1876.

§ 4. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 888.

AN ACT for the benefit of the coroner of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The coroner of Jefferson county is hereby authorized and empowered to appoint a deputy, who, in the absence of the coroner from said county, or his inability for any cause to discharge the duties of the office, shall have authority to discharge all the duties of the office.

Coroner may appoint a deputy

§ 2. The deputy so appointed shall, before entering upon the discharge of the duties of the office, take the oath required by law of the coroner, and execute bond in like amount as that of the coroner for the faithful discharge of his duties.

Shall take oath.

§ 3. This act shall not be construed in any way to increase the fees now allowed by law to the coroner; but said deputy shall, when discharging the duties of the office as aforesaid, receive the same fees as are now allowed by law to the coroner, and none others.

Compensation

§ 4. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 889.

AN ACT for the benefit of W. M. Kirby, sheriff of Garrard county.

WHEREAS, The sheriff of Garrard county was required to do a large amount of extra work at special terms of the Garrard circuit court for the trial of criminals; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant in favor of W. M. Kirby, sheriff of Garrard county, for the sum of seventy-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

1876.

§ 2. This act shall take effect from its passago.

Approved March 20, 1876.

CHAPTER 890.

AN ACT for the benefit of school district No. 41, Fleming county.

WHEREAS, The county school commissioner of Fleming county, Kentucky, for the year 1873, in making the census report of district number forty-one of said county, and reporting the number of children in said district of the proper school age, made a mistake of nineteen in number in said report, as evidenced by the report of trustees of said district, the commissioner's report showing nineteen less in number than the report of trustees; and whereas, a teacher was employed, who did teach the school in said district according to law; and whereas, said Benjamin Umpsted, sr., paid out of his own individual means, to said teacher, for the nineteen children omitted in report of the county school commissioner, which sum amounted to thirty-six dollars and ten cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioner of Fleming county be authorized to draw his draft upon the Auditor of Public Accounts for the sum of thirty-six dollars and ten cents, which, when countersigned by the Superintendent of Public Instruction, shall entitle Benjamin Umpsted, sr., to a warrant upon the Treasurer, to be paid out of the interest on the Fleming county school bonds for the school year ending January 30th, 1876.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 891.

AN ACT for the benefit of school district No. 13, in Morgan county.

WHEREAS, By some oversight or mistake of the trustee of common school district No. 13, in Morgan county, for the year ending June 30th, 1876, omitted to report seven scholars actually in said district, and said district is therefore deprived

of drawing from the State Treasury for said seven scholars, 1876.
to-wit: \$14 14; therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of R. C. Day, commissioner of common schools of Morgan county, for the sum of fourteen dollars and fourteen cents, payable out of the surplus school fund to the credit of Morgan county, when countersigned by the Superintendent of Public Instruction.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 892.

AN ACT for the benefit of jailer of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for Lincoln county be, and they are hereby, authorized to make a reasonable compensation annually to the jailer of Lincoln county for lights and fuel furnished to the prisoners confined in the jail of said county.

§ 2. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 893.

AN ACT to amend an act, entitled "An act to incorporate the Fry's Creek Turnpike Road Company, in Lincoln and Casey counties," approved March 25, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to which this is an amendment shall be so amended as to permit the president and directors to make their road at such grade and width as they may deem best for the travel on said road, and their means of constructing the same: *Provided*, The grade shall not be of greater elevation than four and a half degrees at any point on said road.

§ 2. That this act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 894.

AN ACT to change the name of the Falmouth Cemetery.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the "Falmouth Cemetery" be, and the same is hereby, changed to the Buck Grove Cemetery.

§ 2. This act to take effect and be in force from its passage.

Approved March 20, 1876.

CHAPTER 895.

AN ACT to increase the jurisdiction of the police judge of Lancaster, Kentucky, in civil cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jurisdiction of the police judge of the town of Lancaster, Garrard county, Kentucky, be, and is hereby, increased to sums of one hundred dollars in civil cases.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 896.

AN ACT to authorize the presiding judge of the Todd county court to grant coffee-house license within the corporate limits of Elkton.

WHEREAS, There is some doubt and confusion in the General Statutes of Kentucky as to who has the right, or who is the proper person, to grant license to coffee-house keepers; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be the duty of the county judge of Todd county, Kentucky, to grant license to any person, who may apply therefor, to keep a coffee-house in the corporate limits of the town of Elkton, Todd county, Kentucky, with the privilege of retailing spirituous or vinous liquors, upon proof of the applicant of his good character, and his paying to the clerk of said county court the State tax now imposed by the General Statutes of Kentucky, and his executing bond,

with approved sureties, that he or they will keep an orderly house, will not sell or give any spirituous or vinous liquors to any person who is at the time acting in a disorderly way, or who is intoxicated; and that he or they will not sell such liquors to any minor in violation of the law of this Commonwealth. 1876.

§ 2. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 897.

AN ACT to incorporate Oldham Lodge, No. 169, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Oldham Lodge, No. 169, of Free and Accepted Masons, of Brownsboro, in Oldham county, be, and they are hereby, created a body politic and corporate, by the name and style of "Oldham Lodge, No. 169," with perpetual succession; and by that name and style shall be capable in law of contracting and being contracted with, of suing and being sued, in all the courts of law and equity in this State or elsewhere, upon all contracts heretofore made, and upon all contracts hereafter made or liabilities incurred; to make, have, and use a common seal, and the same to break, alter, or change at their pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real and personal property, not exceeding in value the sum of fifteen thousand dollars; to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of James W. Wilhite, the present Master, and James Fox and Robert Sherley, Wardens of said lodge, and their successors in office; and the duties of said officers shall be such as shall be prescribed by a majority of said members; and service of notice or process on any one of said officers shall be sufficient notice to said corporation.

§ 4. The said corporation shall have power to pass all such by-laws, rules and regulations, not inconsistent with the laws of this State, as may be thought necessary by said corpora-

1876. tion for the control, management, and safe-keeping of the property, interests, and concerns of the lodge.

§ 5. The Legislature reserves the right to modify or repeal this act, but the modification or repeal shall not deprive the parties interested of the property or effects acquired or held under this act.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 899.

AN ACT to incorporate the town of Stanton, in Powell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

Trustees.

Election—how
and when held.

Who is entitled
to vote.

Officers of elec-
tion.

§ 1. That that portion of the county of Powell which is included in a boundary of three fourths of a mile square, with the court-house or the center of said square, be, and the same is hereby, incorporated as the "Town of Stanton," and said town is established by that name. W. H. Harrison, J. R. Hardwick, W. D. Jackson, Wm. M. Combs, and J. L. Brink are hereby appointed trustees for said town, who shall hold their offices until the first Monday in June, 1877, and until their successors are elected and qualified. It shall be the duty of said trustees to give notice, in writing, by posting the same in three public places in said town for ten days next preceding the first day of June, 1877, at which time an election shall be held in said town for the election of three trustees, and annually thereafter on the first Monday in June an election shall be held in said town of three trustees. All male citizens of said town who are qualified voters under the Constitution and laws of this Commonwealth, and who have resided within the limits of said town for sixty days next preceding such election, shall be entitled to vote at said elections for three trustees, to serve for one year from said election, and until their successors are elected and qualified. The three persons voted for at such election having the largest number of votes shall be declared duly elected. The trustees of said town shall appoint a clerk and two judges to hold said election. They shall first be sworn to faithfully hold said election, and certify the same to the trustees, who shall file the poll-books and certificate of qualification in their office,

and the same shall be kept and preserved by the board of trustees from year to year as a part of their records. Each trustee shall, before he enters upon the duties of his office, take an oath to faithfully and impartially execute his duties as trustee of said town.

1876.

Trustees to take oath.

§ 2. The board of trustees of the town of Stanton shall be a body corporate and politic, and shall be known and designated by the corporate name of the Trustees of the Town of Stanton; and by that name may sue and be sued, and have all the rights and privileges necessary to consummate the purposes of their appointment.

Corporate powers.

§ 3. The trustees of said town shall elect one of their number chairman of the board of trustees; he shall preside at all their meetings, and shall vote only when there is a tie vote between the others; he shall sign all the orders and proceedings of the board.

Chairman—his duties.

§ 4 The trustees are authorized to pass such by-laws as may, in their judgment, be necessary for the good government and well being of said town, and not in conflict with the Constitution of the United States or State of Kentucky, and to fill all vacancies that may occur until the next general election; to levy a poll-tax upon each male citizen of said [town] who is entitled to vote at the election of trustees, of any sum not exceeding two dollars, and an ad valorem tax upon each one hundred dollars' worth of property within said town, and which is subject to taxation for State purposes, annually, any sum not exceeding twenty-five cents, to be applied to defraying the expenses of the government of said town, and repairing and keeping in order the streets; and all fines and forfeitures for the violation of the laws and ordinances of said town shall be paid to the chairman of the board of trustees. The board of trustees shall each year appoint some suitable person who shall, between the first day of April and the first day of May of each year, list the taxable property and tithes in said town, making out a full list thereof in a book, and return the same to the trustees. After the first day of June of each year, the board of trustees shall fix the rate of poll and ad valorem tax to be collected for that year, and place the same on the records of the board. The board of trustees shall thereupon cause to be made out a list of the taxes against each person, and the amount of estate on which it is based, and the chairman of said board shall deliver it to

May pass by-laws, &c.

May levy tax, &c.

1876. the marshal of said town, and take his receipt therefor, and file it with the records of said board. It shall be the duty of said marshal to collect the same, and he is hereby vested with full power and authority to do so by levy and distraint, and to the same extent that sheriffs have and are vested with to collect the State revenue, and he shall pay it over to the chairman of the board of trustees on or before the first day of November thereafter.

Chairman to
execute bond.

§ 5. The chairman of the board of trustees shall execute a bond, with good security, to be approved by said board, conditioned that he will well and faithfully account for all moneys that may come to his hands under authority of this act, and will pay over the same as the board of trustees may direct.

Marshal—how
appointed.

§ 6. The board of trustees may, until the election in June, 1877, appoint a marshal for said town, whose appointment shall be entered of record; and upon a certified copy thereof being produced to the clerk of the Powell county court, he shall, at a regular or special term of said court, administer to said marshal the same oaths taken by constables, and that he will faithfully perform all the duties of marshal of said town according to law; and said marshal shall execute bond, with good security, in said court, as constables are required to do before entering on the duties of their offices, with the further covenant that he will perform all the duties of marshal of said town according to law; the bond shall be attested by the clerk, approved by the court, and filed among the records of the office. The marshal shall pay the clerk for his fees one dollar. The marshal and his securities on his bond shall be liable thereon to the trustees of said town, and to any and every person as constables and their securities are liable on their bonds; and the like penalties, actions, and recoveries may be had thereon. The marshal appointed by the board of trustees shall not hold his office longer than the election and qualification of his successor, which election shall take place and be held at the same time, and in the same manner, as the election of trustees in said town. The marshal of said town shall be qualified, and shall execute bond as is herein provided in the of the marshal appointed by the board of trustees. He shall have and receive the same fees and commissions for his services in executing process and performing official duties that are allowed by law to constables; and for collecting taxes in said town he shall receive such commis-

Shall take oath.

Shall give bond.

Term of office.

Compensation.

sion and compensation as the board of trustees may allow. It shall be the special duty of said marshal to execute all process issued for an alleged violation of the by-laws and ordinances of said town, and shall serve and account for the same as constables are required to serve and account for similar process put into their hands.

1876

§ 7. For the non-payment of taxes due to said town, the marshal is hereby vested with power to sell said real estate at the court-house door in said county, for cash, at such time, and on such notice, as is required of sheriffs in sales of real estate; and when sold and not redeemed in two years from the date of sale by such delinquent tax-payer paying over the price paid, and ten per cent. per annum thereon, said marshal, or his successor in office, shall convey the same to the purchaser or his assignees.

Penalty for non-payment of taxes

§ 8. That this act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 901.

AN ACT legalizing certain sales made under the decrees of Pike circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no sale shall be set aside, made on any judgment of the Pike circuit court, in consequence of the special commissioner making the same having failed to execute bond, and take the oath as such; but all such sales shall be held as binding and valid as if said commissioner had executed bond, and taken the oath as required by law.

§ 2. This act shall take effect on its passage.

Approved March 20, 1876.

CHAPTER 903.

AN ACT to incorporate the Grangers' Bank of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a Grangers' bank of deposit in this city of Shelbyville, with a capital stock of

Bank establishe
Capital stock.

1876. two hundred thousand dollars, in shares of twenty-five dollars, to be subscribed and paid for by Patrons of Husbandry as hereinafter specified, and the subscribers, their associates, successors, and assigns, shall be a body-corporate and politic, by the name and style of the Grangers' Bank of Shelbyville; and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleading, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Corporate powers.
Name and style.

Common seal.

Directors—when elected.

Officers.

Vacancy—how filled.

May receive subscription to stock.

Compensation of officers and agents.

Stock personal property.

Commissioners.

Board of directors.

§ 2. That said bank shall be under the control and direction of seven directors, each of whom shall be a stockholder; after the first election they shall be elected on the second Monday in January in each year, and hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions from Patrons for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business; and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank; and to pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property; and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; and loan money only to Patrons and depositors.

§ 3. Thomas Todd, George Harbinson, S. T. Drane, Harry Bailey, Jerry Long, J. G. Byers, John Gregg, — Anderson, and G. W. Demaree are hereby appointed commissioners, any two of whom may open books for the capital stock; and when one thousand shares of stock shall have been subscribed for, it shall be their duty to give notice in one or more newspapers published in Shelbyville, and appoint a day for the election of a board of directors, who shall hold their offices

until the next ensuing annual election. The payment for the shares subscribed shall be as follows: There shall be paid twenty-five per cent on the amount of each subscription within ten days after the election of the first board of directors, and the residue paid, or secured to be paid, in installments of twenty-five per cent. on each share every thirty days: *Provided*, That after one thousand shares have been paid, or secured to be paid, the board of directors shall have power to prolong the time of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper in Shelbyville for thirty days, the directors may, by resolution entered on their records, forfeit such stock and resell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the corporation. Said corporation may commence business as soon as one thousand shares have been paid, or secured to be paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary.

1876.

Term of office.

How subscriptions are paid.

Proviso.

How stock may be forfeited.

When to commence business.

§ 4. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and at such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contracts; may deal in the loaning of money, and in exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking house or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put on the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

May receive deposits.

Kind of business

§ 5. That the said corporation may acquire, hold, possess, use, and occupy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, judgment, or decree, or purchased in satisfaction of, or to aid in

May acquire and hold real estate.

1876.

May make by-laws.

the satisfaction of, any debt, judgment, [or] decree, and sell and convey the same, and they may make such by-laws as they may deem necessary: *Provided*, The same be not contrary to the Constitution or laws of this State or of the United States.

Not a bank of issue.

§ 6. That it shall not be lawful for said bank to issue any note or bill to be used or passed as currency.

§ 7. That the General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose, and may repeal, alter, or amend this charter at pleasure.

§ 8. That this act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 904.

AN ACT to incorporate the Elizaville Cemetery Company, Fleming county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators.

Name and style.

Corporate powers.

May acquire land.

For burial purposes only.

§ 1. That Milton T. Moore, Elbridge Bell, A. G. Slicer, Sam. Faucett, David W. Howe, Samuel B. Taylor, W. A. Morrison, and L. B. Abney, be, and they are hereby, made a body-corporate in law, under the name and style of the Elizaville Cemetery Company; and by that name shall be capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such things as are incident to a corporation for limited purposes. That said company shall have power to purchase not less than five nor more than fifteen acres of land in the county of Fleming, not exceeding one mile from the corporate limits of the town of Elizaville, and receive a conveyance for the same, with such covenants as they may think proper. The land and appurtenances when conveyed to be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used in a manner inconsistent with this act, or for any other purpose than for burial lots; but said company may permit their superintendent or other officers to use that portion of the ground not sold for burial lots for horticultural purposes:

Provided, The same is not used in any manner inconsistent with a proper reverence and respect for a cemetery of the dead. The company may receive by devise, bequest, gift, or donation, any legacies, gifts, or donations to them, to be appropriated solely and exclusively to the ornament or improvement of said cemetery and grounds, and may fund, loan out, or vest, in any way they may think proper, any spare funds they may have.

1876.

§ 2. The above named persons shall be the first board of trustees (provided they shall become shareholders to the amount of not less than five dollars each, as hereinafter prescribed); and they shall, at their earliest convenience, assemble and elect out of their number, by ballot, a chairman, secretary, and treasurer. The first board of trustees shall remain in office for one year, and until their successors are elected and qualified, and shall have power to fill any vacancies that may occur by reason of death, resignation, or removal out of the county, or otherwise; and they and their successors in office shall exercise all the corporate powers of the corporation. They shall call a meeting of the shareholders, to be held at the expiration of their term of office; and ten days' notice of the same shall be given by posting written or printed notices in not less than three public places in the town; at which meeting a majority of the shareholders present, either by person or written proxy, shall elect a board of eight trustees, who shall serve for one year, and in like manner cause their successors in office to be elected. At such election, each person, association, or body-corporate, holding burial lots to the amount of five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote; but no person, association, or corporation shall ever cast more than ten votes. Each trustee, before entering upon the duties of his office, shall take an oath, before some officer qualified to administer it, for the faithful performance of the trust reposed in him; and the treasurer shall give such a bond as the board may require to secure the company against loss.

Trustees.

Officers.

Vacancies—how filled.

Notice of meetings.

Board of trustees

One vote for each share.

Trustees to take oath.

Treasurer to give bond.

§ 3. The trustees shall have power to control, lay out, and ornament the ground purchased by or donated to them, and, from time to time, alter or repair the same; erect a suitable building for a superintendent, if deemed by them necessary; to sell, at public or private sale, burial lots; to make by-laws

1876. for the government of the corporation, and appoint a superintendent and other officers.

Certificate of
ownership of lot
—how signed.

§ 4. When a burial lot is purchased, the trustees shall cause a certificate, under the seal of the corporation, to be issued therefor, and the same to be signed by the chairman and secretary, which shall vest the purchaser with title. This title shall be transferable according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner, but shall descend, or pass by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots; and if applied to any other use, the title shall revert to the corporation.

Trespass—how
punishable.

§ 5. If any person or persons shall, maliciously and forcibly, and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments, or inclosures, or injure any of the shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for a misdemeanor, and punishable by fine and imprisonment, at the discretion of a jury, shall be liable to the corporation in damages.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 905.

AN ACT in aid of R. H. Caldwell, common school commissioner of Boyle county.

WHEREAS, R. H. Caldwell, common school commissioner of Boyle county, omitted to report to the Superintendent of Public Instruction one hundred pupil children of colored school district No. 5, Boyle county, reported to him by the trustees thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction withhold from the apportionment of colored school money for the year ending June 30th, 1877, the sum of thirty dollars, to be paid R. H. Caldwell, for the amount he was required to advance the current year. Upon the presentation of his draft, countersigned by the Superintendent of Public Instruction,

the Auditor shall issue his warrant in favor of said Caldwell, 1876.
on the Treasury.

§ 2. This act shall take effect from and after January 10th, 1877.

Approved March 20, 1876.

CHAPTER 906.

AN ACT to regulate the holding the court of claims in Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the court of claims in Pulaski county shall be held by the presiding judge and one justice of the peace from each justices' district.

§ 2. That the justices having the highest number of votes shall hold the court of claims the first year, and those receiving the lowest number of votes the next year, and so alternately each year: *Provided*, That the presiding judge, when it becomes necessary to call the justices together for any purpose, shall call together those justices whose duty it is to assist in laying the levy for that year.

§ 3. A majority of the justices required to hold the court of claims in the foregoing section shall constitute a quorum to transact any business in connection with the court of claims, or other business, when called together by the presiding judge.

§ 4. This act shall be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 908.

AN ACT for the benefit of the Paducah Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Paducah Savings Bank, incorporated by an act approved March 28th, 1872, shall have two years from the 1st day of May, 1876, in which to organize under said charter;

1876. and may, after its organization, be operated under the charter granted March 28, 1872.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 909.

AN ACT to provide for the building of turnpike roads in Todd county, Kentucky, and to authorize the different magisterial districts or election precincts therein to vote a tax for that purpose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for any magisterial district or election precinct in Todd county to aid as such in the building of any turnpike or macadamized road in or through it in the following manner, to-wit: Whenever twenty legal voters of any one of said districts shall sign and present to the presiding judge of the Todd county court a written petition, stating that a company has been formed, and desires to build a macadamized or turnpike road in or through the district of which they are voters; that in the opinion of the petitioners a majority of the voters in such district desire a tax to be levied upon said district for the purpose of building or aiding to build said road, and shall specify what amount is desired by a tax upon said district, to be levied by ad valorem and capitation tax, one third of said tax shall be by capitation, and two thirds ad valorem; said ad valorem shall be levied on all property in said district listed for revenue purposes, and the numbers of years said tax shall be levied and collected; it shall be the duty of such presiding judge, within ten days after receiving said petition, to make an order upon the record-books of his court, in which the substance of the petition aforesaid shall be incorporated as part, ordering an election to be held in and for said district, to take the sense of the voters of such district upon the property of levying said tax; the order shall fix the time of holding said election, which shall not be in less than twenty days after the date of said order, and shall be held at the usual legal place for holding elections in said district; notice of the time and place of holding said election shall be published in the newspaper or papers published in said county, if there be any, and by printed no-

tices posted up at five or more public places in said district; the order aforesaid shall specify what amount of tax is proposed to be raised by a tax upon said district, and in what number of annual levies, at any election to be held under this act. All the qualified voters of the district in which the election is held shall be allowed to vote, and none others. The election shall be held in the same manner, and by the same officers, as is now required by law for the holding of elections for justices of the peace; the poll-books shall be ruled with two columns, one of which shall be headed for the tax, and the other against the tax, and the votes shall be recorded therein accordingly; it shall be returned to the county court clerk's office in the same time and manner, and be compared in the same manner, and by the same officers, as is now required by law in the case of an election for justices of the peace; the officers whose duty it shall be to compare the polls shall immediately thereafter certify the result to the presiding judge of the Todd county court, who shall cause said certificate to be recorded in the record-books of his court.

1876.

§ 2. A majority of all the qualified voters of such district, at an election held by order of the presiding judge, as set forth in section one of this act, shall vote for the proposed tax, it shall be the duty of the presiding judge aforesaid, and the two justices of the peace in said district, to immediately levy upon said district the tax voted, in the way and manner specified in the order or proposition upon which the vote was taken; and the clerk of said court shall, as soon as practicable thereafter, make out and deliver to the sheriff of Todd county a list of taxable property and tithes of said district, as returned by the assessor of the county for the last annual assessment.

§ 3. It shall be the duty of the sheriff to collect said tax, and to pay the same over to the president of the company organized for the purpose of building said road, to be expended in the building of the same as directed by the president and directors of said company in or through the district in which tax is collected.

§ 4. Before receiving the money from the sheriff, the president of the company proposing to build said road shall execute and file in the clerk's office of the Todd county court, a bond to the Commonwealth of Kentucky, with good security,

1876. to be approved by the judge of said county, conditioned to have the money so collected and paid to him expended in the building of a turnpike road in or through the district in which it was collected.

§ 5. The sheriff shall have all the powers and privileges in collecting said tax as are now given to him by law for the collection of the State revenue and county levy, and shall receive the same compensation therefor; and he and his sureties shall be liable for the money collected under this act in the same manner, and to the same extent, as is now provided by law in regard to the collection of the State revenue.

§ 6. If the sheriff shall fail or refuse to collect said tax, it shall be lawful for the county judge to appoint a special collector of said tax, who, before entering upon the discharge of his duties, shall execute, and file in the clerk's office of said court, a bond to the Commonwealth of Kentucky, conditioned for a faithful discharge of his duties, and with good security, to be approved by the county judge. The special collector so to be appointed shall have all the powers, rights, and means in the collection and enforcement of said tax as are herein above conferred upon the sheriff, now has by law in the collection of the State revenue and county levy; and shall have such compensation thereof as may be agreed upon by him and said company.

§ 7. It shall be the duty of the sheriff or person appointed to collect said tax, within six months from the time he secures the list of taxable property and titles of said district, to collect and pay said taxes as hereinbefore directed, and to settle his account with the county judge.

§ 8. The company proposing to build said road, and to whom the money is paid, shall be liable for and shall pay the legal expenses of holding the election herein provided for, and of levying and collecting the tax; but may deduct the same from the amount of the tax collected.

§ 9. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 910.

1876.

AN ACT to incorporate the Louisville Abstract and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- § 1. That Wm. F. Barrett, C. M. Thruston, R. T. Durrett, Basil W. Duke, A. E. Richards, J. A. Briggs, and E. H. McDonald, their associates, successors, and assigns, are hereby created a corporation, under the name of the "Louisville Abstract and Loan Association," with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatever as a natural person; to possess, enjoy, and exercise all the rights, powers, and privileges incident to conducting and carrying on the business in this act authorized, and shall have perpetual succession: may acquire, have, hold, possess, and enjoy any real, leasehold, or personal property necessary to be used in and about the prosecution of its business, and may enjoy, lease, and mortgage and convey, or otherwise dispose of the same at pleasure; and to have and use a common seal, and to change the same at pleasure.
- § 2. The powers of said corporation, and the management of its property, business, and affairs, shall be vested in, and be exercised by, a board of directors, to consist of seven members, a majority of whom shall constitute a quorum to transact business, who shall be elected annually by the stockholders on the first Tuesday in January in each year, who shall hold office for one year, or until their successors have been elected. At such election each stockholder shall be entitled to have one vote for each share of stock owned by him in said company. The directors thus elected shall, annually, as soon after their election as convenient, elect a president, secretary, and treasurer, who shall perform the duties assigned them by the by-laws of the corporation, and shall hold office until their successors are elected.
- § 3. The board of directors shall have power to make and enforce all such by-laws, rules and regulations, as may be deemed necessary for the management of its business, not inconsistent with the Constitution and laws of this State or the United States.
- § 4. The capital stock of this company shall be five hundred thousand dollars, divided into shares of one hundred dol-

Corporators.

Name and style.

Corporate powers.

May acquire and hold real and personal estate.

Board of directors.

Quorum.

When election held.

Term of office.

One vote for each share of stock.

Officers.

May make and enforce by-laws.

Capital stock.

1876.

lars each, which shall be deemed personal property, and be transferable as the by-laws of this corporation may prescribe.

Vacancy—how
filled.

§ 5. The board of directors shall have power to fill all vacancies that may occur among its officers and directors. The incorporators above named are hereby constituted the board of directors of this company until the first annual election herein authorized; and as soon as fifty thousand dollars of its capital stock has been subscribed, are authorized to organize this company, and proceed to transact all business authorized by this act.

Lien upon stock.

§ 6. This corporation shall have a lien upon its stock for any unpaid balance thereon, which it may enforce by proper proceedings in any of the chancery courts of this State.

May acquire and
hold property in
trust.

§ 7. This corporation is hereby authorized and empowered to acquire and hold any real and personal property, in trust or otherwise, as security for, or in payment of loans made by said company; to purchase real estate or other property, at any sale made by virtue of any loan, lien, note, or mortgage, made or held by said company, and hold, lease, and sell and convey the same at pleasure; may sell, assign, and indorse notes and bonds received by it in the course of its business, and guarantee the prompt payment of the principal and interest of the same; and may purchase lien notes and mortgages, bonds, and loan money secured by mortgage or trust deed.

May purchase
books, franchises,
&c., of Louis-
ville Abstract As-
sociation.

§ 8. This corporation is authorized and empowered to purchase the books, franchises, and other property of the Louisville Abstract Association; and said Louisville Abstract Association is hereby authorized to sell its said property at such a price, and upon such terms, as may be agreed upon by the board of directors of said corporation, a majority of the stockholders consenting thereto, and shall have the right to furnish abstracts of title, and other information in regard to real estate in Jefferson county, upon such terms, charges, and conditions, as may be agreed upon.

§ 9. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 911.

1876.

AN ACT to incorporate the Home Building and Savings Association, of Newport, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. H. Wilson, W. N. Air, H. A. Schriver, W. H. Harton, Gus. Artsman, L. R. Hawthorne, Jno. B. Taylor, Jno. J. Raibe, E. O'Hara, John Tocher, E. H. Morrin, and W. L. Wright, and their associates and successors, be, and they are hereby, created a body corporate, under the name and style of the Home Building and Savings Association, of Newport, Kentucky.

Corporators.

Name and style.

§ 2. Said association shall, by that name and style, have perpetual succession; and be capable of suing and being sued, pleading and being impleaded, in all courts and places; of contracting and being contracted with; of having a common seal, and the same to make, break, or alter at pleasure; to acquire, use, hold, and sell real and personal estate.

Corporate powers.

Common seal.

§ 3. The funds of this association shall be represented by stock, and each share of stock shall be four hundred dollars, which share shall be personal property, and may be subscribed, paid for, transferred, and forfeited for non-payment, in such manner as said association, or its board of directors, may by resolution or by-laws prescribe and determine.

Shares \$400 each

§ 4. The officers of said association shall be a president, treasurer, secretary, assistant secretary, and thirteen directors; but no person shall be a director or other officer unless he be the owner of one or more shares of stock.

Officers.

§ 5. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require, and fix the salaries to be paid any officer of the association.

§ 6. The corporators above named shall open books for the subscription of stock, and whenever five hundred shares shall be subscribed, said association may go into operation: other shares may subsequently be subscribed until the whole stock, four hundred thousand dollars, is taken, the subscribers thereto being required to pay the back installments corresponding with the shares paid by the original subscribers, with interest at such rate, not exceeding ten per centum per annum, as the association may prescribe in its by-laws.

When to commence business.

1876.

Directors—when
elected.One vote for
each share.Treasurer to
give bond.Object and pur-
poses of associa-
tion.

§ 7. The board of directors shall be elected on the first Monday in April, and hold their offices for one year, or until their successors are elected. In election for officers, and transaction of other business, each member, present or by proxy, shall be entitled to one vote for each share owned. The board of directors shall elect one of their number president, and shall elect a secretary, assistant secretary, and treasurer, who shall give bond, with good and sufficient surety, for the safe-keeping of the assets of the association, and a faithful discharge of the duties of his office.

§ 8. The object of the association is to enable its members, by their savings and accumulations, to acquire homes and other property; its business, to buy and sell personal and real estate, to loan its capital stock as paid in, and the accumulations thereof, to its own members, in amounts not exceeding the par value of the share or shares held or owned by the members to whom the loan is made, at such rate of interest, not exceeding ten per centum, as may be agreed by the parties thereto, taking mortgage or other security therefor, as the board of directors may approve, and, in addition thereto, a prior lien in favor of the association shall exist, and continue, upon as many shares of stock held by the party making the loan as shall, at the par value thereof, equal the sum loaned. The association shall have the right to insure the mortgage property of the borrower, for any space of time not to exceed the time of payment of the loan, at the expense of the borrower, and may require the member making the loan pay all expenses thereof.

§ 9 Said corporation may provide in its by-laws what penalties shall attach for failure to pay the installments of stock or interest on loans at the times fixed therefor, and shall have full power to enforce such penalties; it may also provide upon what terms members desiring to do so may withdraw from the association, and may provide for alteration and amendment to its by-laws.

§ 10. As soon as practicable after the association is ready to go into operation, as provided in section six, the incorporators shall call a meeting of the stockholders for the election of officers and adoption of by-laws for the government of said association, not inconsistent with this charter nor the Con-

stitution and laws of the United States or of the State of Kentucky. 1876.

§ 11. This act shall take effect from and after the date of its passage.

Approved March 20, 1876.

CHAPTER 912.

AN ACT to allow the voters of Floyd county to vote on the proposition of moving the county seat of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in making out the poll-books for the various voting precincts in Floyd county, for the purpose of recording the vote of said county at the election to be held on the first Monday in August, 1876, the clerk of the county court of said county shall prepare two columns in each and every poll-book to be furnished the various precincts, for the purpose of ascertaining the desire of the people of Floyd county in relation to the moving the county seat of said county from its present location (Prestonsburg) to or near the forks of Beaver creek, in said county: said columns shall be prepared as other columns in poll-books are prepared; the first shall be headed "For the removal;" the second "Against the removal;" and in taking the vote on the first Monday in August, 1876, in the several precincts thereof, the question shall be distinctly put, "Are you in favor of the removal of the county seat of Floyd county from Prestonsburg to or near the forks of Beaver creek?" and each clerk of said election shall record the vote of each voter according to the answer thereto.

§ 2. That the vote on said question named in the first section of this act shall be kept recorded and counted, and the result made known at the same time, and in the same manner, and by the same officers, as is now required by law in the election of county officers.

§ 3. That if a majority of all the votes cast at said election are against the removal, then no further steps shall be taken in the matter; but if the majority of all the legal voters of said county at said election are for the removal, then, as soon as the necessary offices and court-house can be built at or near the mouth of Beaver creek, the books and records of

1876. the county shall be transferred thereto, and the several courts now held at the county seat (Prestonsburg) shall be held at or near the forks of Beaver creek, the place to be definitely located as hereinafter provided; and said place so located shall be the county seat of Floyd county.

§ 4. That in the event that a removal is decided upon by the legal voters of said county voting at the August election, 1876, as soon as the first is ascertained, the county judge of said county shall appoint William J. Mayo, George A. May, and David Stephens to locate and determine upon some suitable place for the location of the court-house and public buildings, at or near the forks of Beaver creek. The said commissioners, Wm J. Mayo, George May, and David Stephens, after first being sworn, shall proceed to locate said county seat as aforesaid, and who are hereby required to make their report in writing to the county court of Floyd county, which report shall be entered of record by the clerk of said court, and preserved by him as the other records of said court.

§ 5. When it is decided by a majority of all the legal voters, as herein directed, of the county Floyd, by voting to remove the county seat of said county, and the commissioner aforesaid make report to the county court that they have selected the site for the county seat of said county, the county judge of said county shall cause the justices of the peace of said county to appear at the court-house in Prestonsburg on a day to be fixed by said court; and when a majority of said justices are convened in pursuance to said summons, it shall be, and is hereby, made their duty to levy a poll or capitation tax of not exceeding three dollars on each tithable, and an ad valorem tax of not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in said county, for the purpose of building a court-house, jail, and clerk's offices for said county, which said tax may be levied annually until such public buildings are paid for. Said county court of Floyd county may acquire property, real or personal, by donation or purchase, for the use of said county, which shall be conveyed by the donor or vendor to the Floyd county court in fee simple, and shall be held by the county court of said county for its use.

§ 6. The county seat of said county shall remain and be continued at its present location until there has been erected

at the Forks of Beaver, or near there, the necessary public buildings for holding courts in, jail, and clerk's offices. After such public buildings are erected at or near the Forks of Beaver, the county court of Floyd county shall have power to sell and dispose of any or all the public property owned by said county in the town of Prestonsburg, upon such conditions and terms as the court in its judgment may think best, and apply the same to such county purposes as, in their opinion, will best promote the interest of the county.

1876.

§ 7. The election provided for in this act shall be ordered and conducted, as hereinbefore directed, by the officers of said county, whose duty it is made by law to hold elections for county officers; and any officer of said county willfully failing or refusing to open said poll, and hold the election as hereinbefore directed, shall be under all the pains and penalties prescribed by law against officers for failing to hold elections for county officers; and whenever it is ascertained, by the expressed will of a majority of the legal voters of Floyd county voting at the August election, 1876, that there is a majority of the voters of said county in favor of removing the county seat of said county from its present location to, at, or near the forks of Beaver creek, the place designated by the commissioners hereinbefore appointed, the county judge of said county shall, in the manner hereinbefore described, proceed at once to secure the necessary lands for public buildings, and to erect such public buildings thereon as soon as practicable; and for any willful neglect to do so, shall be subject to indictment and removal from office.

Approved March 20, 1876.

CHAPTER 913.

AN ACT for the relief of H. D. Poter, late sheriff of Elliott county, and his sureties.

WHEREAS, On the — day of June, 1875, there was a judgment rendered against H. D. Poter and his sureties on his revenue bond for the year 1874, for the sum of one thousand five hundred and fifty five dollars and fifteen cents, together with ten per cent. interest thereon from the first day of June, 1874, and cost of motion; and whereas, on the 17th day of January, 1876, said judgment was satisfied by sale of three

1876. several tracts of land, one belonging to James W. S. Potter, one to R. F. Wells, and one belonging to Jerry Lewis, each of which brought less than two thirds their value; and whereas, said year was an extreme hard year on the tax-payers, making it impossible to collect the revenue without great oppression to the poor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when said H. D. Potter and his sureties, or either of them, shall pay the full amount of said judgment, to-wit: fifteen hundred and fifty-five dollars and fifteen cents, and the cost of said motion, into the Treasury of the Commonwealth, the Auditor of Public Accounts is hereby directed to give to said H. D. Potter a receipt in full for his revenue for the year 1874, and to each of the said sureties a certificate of the redemption of their several tracts of land: *Provided, however,* That they make said payment on or before the 17th day of January, 1877, the time their equity of redemption expires.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 914.

AN ACT for the benefit of S. M. Machen, of Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to protect the citizens of this Commonwealth from empiricism," shall not hereafter apply to S. M. Machen, of Lyon county.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 915.

AN ACT for the benefit of Joseph Rutherford, late sheriff of Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Rutherford, late sheriff of Jessamine county, be, and he is hereby, authorized and empowered, for

two years from and after the passage of this act, to distrain for unpaid fee-bills, and State and county taxes in said county, subject to all of the liabilities and penalties now prescribed by law for illegal distraint and levies. 1876.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 916.

AN ACT to authorize the county court of Elliott county to levy an ad valorem tax for bridge and road purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Elliott county court, a majority of the justices of the peace of said county being present and concurring, be, and it is hereby, authorized to levy an ad valorem tax, not to exceed fifteen cents on each one hundred dollars of taxable property in said county, to be used as a road and bridge fund.

§ 2. That the proceeding of said county court, at its January term, 1876, in levying an ad valorem tax of fifteen cents on the one hundred dollars of taxable property for the purposes above named, be, and the same is hereby, legalized.

§ 3. This act to take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 917.

AN ACT for the benefit of W. H. Fitzpatrick, sheriff of Floyd county in 1874.

WHEREAS, It appears that he has returned his delinquent and exoneration list for the year 1874, amounting to the sum of two hundred and eighty dollars and thirty-four cents, but not within the time prescribed by law; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts, in his settlement with the said William H. Fitzpatrick, sheriff of Floyd county for the year 1874, is hereby directed to credit him with the

1876. aforesaid sum of two hundred and eighty dollars and thirty-four cents, the amount of his delinquent and exoneration list for 1874, on balance of his indebtedness for the said year 1874.

§ 2. This act shall be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 918.

AN ACT to incorporate the town of Jeffersonville, in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Town incorporated.

§ 1. That the town of Jeffersonville, in Montgomery county, be, and the same is hereby, incorporated, and the boundary and limits thereof shall be one fourth of a mile from the store house of R. B. Enzee in every direction.

Trustees.

Term of office.

§ 2. That B. R. Ensor, W. J. Salyer, John Adams, R. G. Salyer, and Henry Greenwards, are hereby appointed trustees of said town, who shall hold their offices until the first Saturday in May, 1877, and until their successors are elected and qualified. There shall be on the said first day of May, 1877, an election held in said town for the election of five trustees, who shall hold their offices for one year, and until their successors are elected and qualified. Said trustees, before they enter upon the discharge of their duties, shall be sworn to faithfully discharge their duty as trustees of said town.

Trustees to take oath.

Corporate powers.

§ 3. That said trustees, and their successors in office, shall be a body politic and corporate, and shall be known as the trustees of the town of Jeffersonville, and by that name shall have power to sue and be sued, plead and be impleaded, in all the courts in this Commonwealth.

Chairman.

Town marshal.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number chairman, and shall also appoint a town marshal. Said chairman shall preside over the deliberations of said board when convened, and who shall have power to convene in session whenever he may deem it necessary.

Jurisdiction of chairman.

§ 5. The chairman, when elected, shall be *ex officio* mayor of said town, and shall have the same jurisdiction, concurrent with the county, with justices of the peace of Montgomery county; and the town marshal appointed by said trustees

shall have the same power to execute any and all process, or make arrests, that constables of Montgomery county have.

1876.

Power of town marshal.

Election—how held.

§ 6. The board of trustees appointed under this act shall, prior to holding the election provided for by this act, at least thirty days before holding the same, provide, by appointment, the proper officers for building the same at the usual place of holding elections for State and county officers in the town of Jeffersonville; notice of which election shall be posted in two public places in said town.

§ 7. That said trustees shall have power over the streets, alleys, and sidewalks, and may direct and have opened, straightened, altered, or improved any street, sidewalk, or alley of said town, in such manner as they may deem advantageous to the convenience of the town. They shall have power to make all by-laws, rules and regulations, for the government and control of the financial and prudential affairs of the same, not inconsistent with the laws of the land. They shall have power to levy and collect, upon the property and tithes in said town, not exceeding twenty-five cents on each one hundred dollars' worth of property, and not exceeding one dollar on each tithe in said town, which tax shall be applied to the improvement of the streets, alleys, and sidewalks of said town. They shall have power to purchase any lot or piece of land, for the use of said town, necessary to straighten or extend any of the streets or alleys thereof, or open new ones. They shall have power to tax all shows, exhibitions, menageries, and circuses as they may see fit to fix by their by-laws. It shall be the duty of said board to appoint a clerk and a treasurer, and require such bond or bonds of them as they may see proper; and for any default or violation of duty of any officer appointed by said board, suit may be brought against them in any court having jurisdiction thereof. A majority of said trustees may, for good cause, remove any officer appointed by them, and appoint others to fill such vacancy.

Trustees may improve streets, &c.

May make by-laws.

May levy and collect tax.

May tax sh &c.

Clerk and treasurer.

May be sued for violation of duty.

§ 8. That no street or alley shall be extended over the land of any person unless such land so to extend the same upon shall have been first purchased of the owner; or in the event that such land cannot be obtained by purchase or donation, the said trustees shall have power to have the same condemned by writ of *ad quod damnum* in the same manner that

May condemn land for streets.

1876. the condemnation of law is authorized by the General Statutes for turnpike, gravel roads, &c.

§ 9. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of the town for the use of the town corporation hereby created.

May levy tax for
repair of streets.

§ 10. It shall be the duty of the trustees of said town to keep the streets and alleys in good repair, and they are hereby authorized and empowered to tax the citizens and owners of property a sum sufficient for that purpose, provided the rate does not exceed that specified in section seven of this act. The citizens of Jeffersonville are hereby exempted from working on public roads outside of the corporation limits of said town.

Town marshal
—his duties.

§ 11. The mayor, in addition to the powers conferred upon him by this act, shall have exclusive jurisdiction, subject to appeal, of all violations of the town ordinances and by-laws. It shall be the duty of the town marshal to execute all processes directed to him by the mayor, and to collect the revenue of said town. Before entering upon this duty he shall execute bond, with approved security. Vacancies occurring in the office of mayor, town marshal, or trustee are to be filled by appointment of the board of trustees at any regular or stated meeting.

Shall execute
bond.

§ 12. This act shall take effect and be in force from its passage; and the right to after, amend, or repeal this act is reserved to the General Assembly.

Approved March 20, 1876.

CHAPTER 919.

AN ACT to amend section one hundred and three of an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3d, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and three of an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3, 1870, be, and the same is hereby, so amended that the general council of the city of Louisville shall have power, after the first day of January, 1877, to increase the

salary of the chief engineer of the fire department to any sum in its discretion, not to exceed twenty-five hundred dollars per annum.

1876.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 920.

AN ACT to incorporate the Mount Carmel Roman Catholic Cemetery, of Paducah, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William McCloskey, Michael Bonchel, P. T. Meagher, L. M. Flournoy, and John Sinnott, and their associates and successors, be, and they hereby are, created a body-corporate, under the name of "The Mount Carmel Roman Catholic Cemetery;" and as such may have perpetual succession, and a common seal; power to contract and be contracted with, to sue and be sued; and to acquire, hold, assign, and convey real and personal property.

§ 2. The said corporation shall be governed and controlled by a board of directors, composed of seven members, who shall be elected for such term, and shall have such powers and duties, as are provided for in the by-laws.

§ 3. Said corporation may acquire, in or near the city of Paducah, Kentucky, a body of land, not exceeding one hundred acres, for cemetery purposes, and may enclose, lay out, and adorn the same for such purposes; and may make such disposition of lots in the same, and may make such rules and regulations for the supervision and use of the same, as the board of directors may determine.

§ 4. Any person who shall violate any grave in said cemetery, or shall commit any trespass upon its grounds, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one thousand dollars, and shall also be liable in damages to the said corporation for the same.

§ 5. The property so acquired by said corporation shall be exempt from taxation.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876..

1876.

CHAPTER 921.

AN ACT to incorporate the Hopkins County Land and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. A. Robinson, C. W. Mills, G. W. Norton, Jas. Trabue, W. H. Dulaney, W. F. Norton, their associates and successors and assigns, be, and they are hereby, created a body-corporate, by the name of the Hopkins County Land and Mining Company; and by that name are hereby made capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere; in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper in the conducting and government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided in shares of one hundred dollars each. Said company may commence business as soon as fifteen thousand dollars of capital stock is subscribed. The remaining portion of said stock may be issued and sold by the board of directors of said company at such times as they may deem proper.

§ 3. That said company may have power to negotiate for, purchase, lease, and hold real estate; to explore, excavate, mine, dig for coal, iron, lead, and other minerals; to manufacture the same, and other product of the lands now owned by them, or which may hereafter be owned by them, by lease or otherwise; to purchase, build, and own implements and machinery; to hold such mining right and rights of way and real estate, and the same, or any part or parts thereof, to lease, sell, or otherwise dispose of, as they may deem to the interest of the company.

§ 4. For conducting the affairs of said company a board of not less than three nor more than seven directors of said company shall be chosen. Said board shall choose one of their number, who shall be president of said company; and said board shall serve until their successors are elected and qualified. The president and directors shall have power to appoint all other officers, agents, and servants, and remove them at

pleasure. In all elections each share of stock shall entitle the holder to one vote; stockholders may vote by proxy. The stock of the company shall be deemed personal property, and shall be transferable upon the books of the company.

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One vote for each share.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure.

§ 6. The stockholders shall not be individually liable for the contracts or debts of the company; but the stock, privileges, and property owned by the company shall be liable therefor.

§ 7. All real estate that said company may sell or dispose of may be conveyed by the president of the company under the seal of the company.

§ 8. The principal office of said company shall be kept at such place as the majority of the stockholders may, from time to time, designate.

§ 9. This act shall be in force from its passage.

Approved March 20, 1876.

CHAPTER 922.

AN ACT to incorporate the Bagdad Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. H. Bryant, J. W. Blaydes, L. Kesler, S. F. Harrod, M. P. Heatt, jr., T. D. Lewis, A. C. Smith, and J. J. Long, be, and they are hereby, made a body-politic and corporate in law, under the style and firm of the Bagdad Cemetery Company; and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, and do all other things incident to a corporation; the said company shall have power to purchase any quantity of land in the county of Shelby, not less than ten acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery, and ornamental ground connected therewith, and shall never be alienated, sold, or used by said corporation for any other purpose than burial lots, as herein prescribed; but the said corporation may permit their superintendent or other officers to use that por-

1876.

tion of their grounds and buildings not sold for burial lots for horticultural purposes: *Provided*, The same is used in a manner not inconsistent with reverence and respect due to the cemetery of the dead. The said grounds and fixtures, shrubbery, and everything growing therein, shall not be subject to State revenue, and shall not, after the ground has been fully paid for, be subject to be levied on or sold, by execution or decree, for any debt or cause whatsoever. No road or pass-way shall be opened through said grounds, unless by consent of the company. The said company may receive and take, by devise or bequest, any legacies that may be devised or bequeathed to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds.

§ 2. A majority of the above-named persons, or of the survivors of them, who shall elect one of their number as chairman, shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body by death, resignation, or removal. The term for which the first board of trustees shall serve shall be designated by those that appoint them; and they and their successors in office shall exercise all the corporate powers of the corporation. A new board of trustees shall be elected by a majority of the shareholders who vote once in every two years, due notice of the time and place of voting being first given by not less than six public notices, posted up in six conspicuous places in the town of Bagdad and vicinity, three weeks before said election is held, the election being conducted by judges appointed by the board then in office. If anything should prevent an election within the prescribed time, a majority of the trustees in office shall have the power, and it shall be their duty, to call a meeting for, and cause an election of, their successors as soon after as convenient. The trustees shall at all times have power to fill any vacancy that may occur in board, by death, resignation, or removal. Death or removal from Shelby county shall vacate the seat of a trustee. Four trustees shall constitute a quorum for transaction of business. Each person owning burial lots to the value of ten dollars shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of trustees; but no person or body-corporate shall be entitled to cast more than five votes. The trustees shall keep a regular record of

their proceeding, and of all sales, transfers, and disbursements, and shall always preserve an accurate map and survey of the ground and lots, and have the same recorded in the Shelby county court clerk's office. Each trustee shall, before he enters on duties of his office, make oath before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a trustee according to the best of his abilities, and will not be influenced in his conduct as trustee by sectarian or political partialities.

1876.

§ 3. As soon as the grounds are purchased, and the trustees have qualified, they shall have power to lay out and ornament the same, and, from time to time, alter, repair, and add such building and fixtures as may be necessary for the use or ornament of the cemetery or grounds; and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell and convey, burial lots either at public or private sale; to make, from time to time, by-laws and regulations for the control, management, and care of the cemetery, grounds, and graves, and the mode of ornamenting of the same, and regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as may be necessary for the purposes of the corporation. They shall have full power to enter upon and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws and regulations of the corporation. They shall have the power to appoint, from time to time, such superintendent or other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source shall be applied first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall afterwards, in all time to come, be applied to ornament and improve the grounds and defray incidental expenses.

§ 4. When a burial lot is purchased, the trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend

1876. or pass by devise as other real estate. Such lots shall never be used for any other purpose than burial lots; and if applied to any other use, the title shall revert to the corporation.

§ 5. If any person shall forcibly, and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments, or inclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass, and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 923.

AN ACT to incorporate Grayson Lodge, No. 186, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. O. Willis, John S. Cubbage, W. G. Todd, A. M. Chartain, Daniel Heybeck, Wm. Cubbage, Geo. A. Cubbage, Henry H. Roberts, Wade S. Miller, Wm. A. Bratcher, W. R. Haynes, A. S. Clements, G. R. Gray, and G. W. Duval, and their associates and successors, be, and they are hereby, created a body-corporate, by the name and style of Grayson Lodge, No. 186, Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be

1876.

not in contravention of the Constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of the State.

§ 2. That said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly; but the repeal shall not deprive the parties interested of the property or effect acquired or held under this act.

§ 4. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 924.

AN ACT concerning the road laws of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Daviess county court, the presiding judge and a majority of the justices in commission being present and concurring therein, at any regular or called meeting, to elect a general superintendent of roads, who shall hold his office for the term of two years, unless sooner removed or discharged by the court. It shall be the duty of said superintendent to oversee all county roads within said county, keep or cause them to be kept in good order; superintend the building of all necessary bridges on county roads, under the orders and direction of the county court; have all obstructions upon, or which may be placed upon, said county roads removed; superintend the opening and changing of any road or roads as directed by said county court: *Provided*, That, for the purposes enumerated, the fund provided for in this act is sufficient; and if not sufficient, then it is to be used at such places, and for such purposes, as the superintendent, under the general direction of said court, may determine. That the said court, in giving directions for the expenditure of said fund, shall have due regard to the

Superintendent
of roads.

How elected.

Term of office.

His duties.

1876.

public good, and to a fair distribution of such expenditure in the different portions of the county.

Shall take oath
and give bond.

§ 2. That all superintendents appointed under this act shall, before entering upon their duties, take an oath faithfully to discharge the duties of their station, and shall execute bond or covenant to the Commonwealth of Kentucky, with surety, to be approved of by the court making the appointment, conditioned for the faithful discharge of the duties of superintendent, and for the safe-keeping and proper preservation of the tools, implements, and work stock owned by the county and used under his direction. The taking of said oath, and the execution of said bond, and approval of the sureties, shall be noted on the order-book of the county court; and the bond shall be carefully kept on file in the clerk's office. The said

Suit may be
brought against
superintendent.

county court, or any person aggrieved, may, from time to time, institute suit against such superintendent, and the said sureties on said bond, for any loss or damage sustained by the acts or omissions of said superintendent, in any court having jurisdiction of the amount of damages claimed. The said bond shall not be void or discharged upon the first or any other recovery, nor until all persons aggrieved shall be satisfied.

How brought.

Penalty for mal-
feasance in office.

§ 3. That for any violation of, or failure without good cause, to discharge any duties prescribed by this act, said superintendent shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than one hundred dollars, to be recovered by warrant, in the name of the Commonwealth of Kentucky, to be issued by, and returnable to, the quarterly court of said county; and it shall be the duty of the said judge of said court to issue such warrant upon his own knowledge, or upon information of others upon oath. In the trial of such warrant, the said superintendent shall be entitled, if he demands it, to a trial by jury, to be conducted as other jury trials before quarterly courts, and the fines assessed are to be collected as other fines. It shall be the duty of the county attorney to prosecute all warrants under this section; and for all cases so prosecuted, he shall receive as compensation twenty per cent. of the fine; and on his failure to attend or prosecute, the judge of the quarterly court may appoint some other practicing attorney to prosecute, who shall be entitled to said commission for his services.

How trial to
be conducted.

County attor-
ney to prosecute.

§ 4. The said superintendent may hire, on the best terms he can, such hands as may be necessary to perform the work on said roads, and may purchase all necessary tools and implements with which to perform said work; and he may, upon order of the judge of the county court, purchase such work animals, not to exceed eight hundred dollars in value, as may be suitable and necessary to perform the work which he is herein required to have done; and said tools, implements, and work animals shall belong to the county, and be under the control of said superintendent; but the judge of the county court may at any time direct, in his discretion, the safe-keeping, sale, or disposition of any of said tools, implements, or animals. The said superintendent shall, at the expense of the county, make all necessary and proper provisions for the sustenance and safe-keeping of the said tools, implements, and stock. The superintendent may, under such orders, rules and regulations, as the said county court may prescribe, let out, to the lowest and best bidder, any necessary work on said roads.

1876.
Superintendent
may hire hands,
purchase tools,
&c.

§ 5. The said county courts, a majority of the justices concurring, may appoint assistant superintendents, not exceeding one in each election precinct, whose duty it shall be to perform such services as may be required by the principal superintendent. They shall, before entering upon the discharge of their duties, execute bond, with good surety, to indemnify the said principal superintendent against any or all loss or damage on account of their acts or omissions in the discharge of the duties assigned them.

Assistants—
how appointed.

They shall ex-
cute bond.

§ 6. That the superintendent shall, at least once in each year, and oftener if required, make to said court a full report of all work done by him or his assistants, or under or by his or their direction; of all the tools, implements, and work stock purchased and on hand, and the cost of each item thereof, and all other expenses necessary to the full performance of his duties on said roads; and also report all sales and disposition of said tools, implements, and stock; and make a full and separate report of the number of days he and each of his assistants were engaged in performing his or their duties, which reports must be sworn to. Said superintendent and his assistants shall be paid for their services a reasonable compensation, to be fixed by the court.

Superintendent
must make report

1876.

Trespass and
injury to proper-
ty.

How punished.

§ 7. That any person who shall willfully or negligently injure, destroy, or obstruct any of the said public roads or bridges, or any of the culverts or ditches on said roads, or shall willfully or negligently injure any of the tools, implements, or stock mentioned in this act, or shall, without permission of the superintendent, take possession of or appropriate the same, shall be fined not less than five nor more than twenty-five dollars, to be recovered in like manner as the fines prescribed herein for the superintendent, and shall also be liable in double damages to the county, or any person aggrieved or injured, to be recovered in any court having jurisdiction of the amount. It shall be the duty of the superintendent and his assistants to report promptly to the judge of the county court all violations of this section.

Court may as-
sess tax.

§ 8. That the said county court, a majority of the justices agreeing, may, on any regular county court day, assess a tax of not less than ten cents on each one hundred dollars which by law is assessed for revenue purposes, and a capitation tax not exceeding two dollars on each person required by law to work roads in said county.

How collected.

§ 9. That the ad valorem and capitation tax provided for in section eight, *supra*, shall be collected by the sheriff of the county as the county levy is now collected, and he shall pay out the same in discharge of the liabilities incurred by the superintendent for labor, tools, implements, materials, work stock, or provender purchased by him or his assistants, upon the order or certificate of said superintendent, given to the person who did the work or furnished the articles, setting forth by days, and price per day, the work done, and a description and price of articles and materials furnished: *Provided*, That the sheriff shall take up and pay no such certificate unless indorsed "approved" by the presiding judge or the county court; and he shall have credit in his annual settlement for no such certificate unless so indorsed. The obligations of the sheriff shall be the same under this act as they are now under the county levy.

Certificates—
when payable.County bridges
—how construct-
ed and repaired.

§ 10. It shall be the duty of the levy court of said county, at its regular term, to direct and appoint some one to let out to the lowest and best bidder the construction and repairing of all bridges in said county, of that class known as "county bridges;" all other bridges in said county are to be erected and kept in repair by the superintendent of county roads.

§ 11. That any and all delinquent capitation tax payers under this act shall be required to work out their taxes at such time, and on such roads, as the superintendent or his assistants may require, for which such delinquent shall have credit at the rate of one dollar for each full day's work performed by him: *Provided*, That such person shall not be required to travel an unreasonable distance from his home or place of residence. The superintendent and his assistants, for the purposes above set forth, are invested with the same authority that surveyors of roads now have; and for failing or refusing to comply with the orders of said superintendent, when notified as required by law, all such delinquents are made liable to all the pains and penalties now imposed by law for persons failing or refusing to work on roads.

1876.
Delinquent taxes
—how worked
out.

§ 12. That the judge of the county court, in all orders opening or changing roads, may direct the same to be opened, in whole or in part, by the superintendent and his assistants, or may direct that the person or persons applying for said new road or change of road shall, in whole or in part, make the same, and pay any part of the damages that may be assessed under any writ or writs of *ad quod damnum*; and in either case the said county judge may direct that those persons who, by the general law on the subject, are required to work on roads, living within one half mile on either side of the proposed road or change, shall, upon being summoned, assist the superintendent or other persons designated to open said new road or make the proposed change; and any of such persons who, upon being summoned, shall fail or refuse, without good cause, to attend and assist as herein required, shall be subject to the same penalties as delinquent road hands are, the proceedings against them to be as provided in the existing law.

Judge of county
court.
His duty and
power.

§ 13. *Provided* persons living within the limits of the city of Owensboro are exempt from taxation, and are not entitled to vote on said tax; and that all property lying within the limits of said city shall be exempt from taxation under this act.

§ 14. That so much of any public or private act or law now existing as conflicts with the provisions of this act is hereby repealed.

1876. § 15. This act to take effect from and after its ratification by a majority of the qualified voters of Daviess county at any regular election.

Approved March 20, 1876.

CHAPTER 925.

AN ACT to increase the jurisdiction of the quarterly court of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court of Muhlenburg county shall have concurrent original jurisdiction, both in law and equity, with justices of the peace in all civil proceedings within said county.

§ 2. That all parts of laws in conflict therewith are hereby repealed, so far as they relate to Muhlenburg county.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 926.

AN ACT for the benefit of the sureties of L. F. Marshall, for the years 1872, 1873, and 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Ballard county be, and he is hereby, authorized, with the consent in writing of the sureties of L. F. Marshall, on his official bonds for the collection of the State and county revenue for the years 1872, 1873, and 1874, to appoint some suitable person or persons to collect the uncollected State revenue and county levy, and return delinquent list for said years, and make settlement as the sheriff might do; and said person or persons so appointed shall have the same power to collect and enforce the collection of taxes as is conferred by law on the sheriffs of this Commonwealth.

§ 2. The amounts so collected on uncollected taxes shall be applied, first to the payment of the State revenue and county levy for the years 1872, 1873, and 1874, and the balance, if

any, to be paid pro rata to the sureties for said years, to reimburse them for the amounts they have paid as sureties of said Marshall.

1876.

§ 3. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 927.

AN ACT to amend an act, entitled "An act to establish tram-tracks or railways to navigable streams or railroads in Rockcastle county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to establish tram-tracks or railways to navigable streams or railroads in Rockcastle county " be, and the same is hereby, amended by adding the following thereto: That no right of way for a railway or tram-track shall be condemned under the act to which this is an amendment to run parallel to another railway or tram-track nearer than thirty feet.

§ 2. That this act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 928.

AN ACT requiring the county court of Jefferson to appoint a measurer of wood, stave timber, lumber, hoop-poles, and staves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the county court for the county of Jefferson to appoint a measurer of wood, stave timber, lumber, hoop-poles, and staves, whose duty it shall be to measure all wood, stave timber, lumber, hoop-poles, and staves sold in said county. He shall, in a well-bound book, keep a correct account of all such measurement, giving the date, quantity of each lot or car load, with the number of the car, and the names of the vendor and vendee, for which he shall be entitled to receive from the vendee eighty cents per car load for measuring wood or stave timber; one dollar and twenty-five cents per car load for lumber; one dollar and twenty-five cents per car load for counting a car load of hoop-

1876. poles or staves; ten cents per cord for measuring wood or stave timber; twenty-five cents per thousand for measuring lumber; twenty-five cents per thousand for counting hoop-poles or staves shipped by boat or otherwise to the city of Louisville; one half of which sum the vendee shall be entitled to deduct from the price of said articles. Nothing in this act shall be so construed as to require or authorize the said measurer to exercise the duties of his office unless so requested by the vendor or vendee.

§ 2. Said measurer shall keep his books open at all times for inspection by interested parties. He shall give to the vendor and vendee each a certificate of measurement.

§ 3. This act does not apply to any article named herein that is taken in wagons from the county to Louisville, lumber made in Louisville, or sold in any of the lumber yards therein, but only to those articles aforesaid that are shipped in cars, boats, and otherwise to said city.

§ 4. Said measurer shall, before he proceeds to act, execute a covenant in said court, payable to the Commonwealth, for the faithful discharge of his duties; and shall also take an oath in said court that he will faithfully and impartially discharge the duties of his office.

§ 5. He shall hold his office for four years, and until his successor has been duly appointed and qualified.

§ 6. This act shall be in force from its passage.

Approved March 20, 1876.

CHAPTER 929.

AN ACT for the benefit of the sheriff of Calloway county.

WHEREAS, By a misapprehension of the law imposing a military tax of twenty-five cents on each person subject to military duty, J. H. Swift, sheriff of Calloway county, failed in the year 1874 to collect all of said tax; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said sheriff of Calloway county is hereby authorized and allowed to add said uncollected tax to the tax of those who did not pay in 1874, and collect the same in the year 1876.

§ 2. That this shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 930.

1876.

AN ACT to incorporate the Farmers and Mechanics' Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, incorporated a manufacturing company, under the name and style of the Farmers and Mechanics' Manufacturing Company, with perpetual succession, and full power to manufacture chemical products, including fertilizers, coke, gas, coal tar, and other products; and by said name may sue and be sued, contract and be contracted with, acquire, hold, and dispose of property, real and personal; may have a seal; and make such rules, regulations, and by laws, and enforce the same for the government of the company and protection of its property, as the board of president and directors may deem proper. The principal office of the company shall be in Campbell county, and they may have such other places of business and agencies as the board may think proper. Said company may use the public roads, streets, or ways for laying down any of its pipes in any such cities and towns as it shall furnish its gas or other products to, or to any of the citizens thereof; but shall not in any manner obstruct any such roads, streets, or ways unnecessarily, and shall, without delay, replace and repair all parts thereof which shall have been removed by them.

Company established.

Name and style.

Object and purposes.

Corporate powers.

Place of business.

Capital stock.

May issue bonds.

Rate of interest.

Board of directors.

§ 2. The capital stock of said company shall not be less than twenty-five thousand (\$25,000) dollars, divided into shares of fifty (\$50) dollars each. The board of president and directors may, from time to time, declare dividends out of the profits of the business of the company; and for the purpose of extending the works, and the convenience of the business of the company, the said board may, from time to time, increase the capital stock as may be deemed necessary by them. The company may borrow money and issue their bonds for the same, not exceeding the capital stock, and at not exceeding eight (8) per cent. interest per annum, and mortgage or pledge the property and rights of the company, or any part thereof, to secure payment of the same.

§ 3. And for the purposes of this act, J. S. Crawford and his associates may organize said company, open books, and procure subscriptions to the capital stock; and whenever ten

1876.

Officers and
agents.One vote for
each share of
stock.Vacancy—how
filled.

thousand (\$10,000) dollars of stock is subscribed, may notify the subscribers thereof and call a meeting for the election of five directors, one of whom shall be by them chosen president of the board; and said board of president and directors shall have the management of said company and of its property and affairs, and appoint all officers and agents of the company, and shall fix, by the rules of the company, the time and place for the election of directors; and each share of stock shall entitle the holder to one vote in such election; and all vacancies occurring in the board shall be filled by the remaining members. The board shall hold their offices until their successors shall be elected and assume their duties.

§ 4. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 931.

AN ACT for the benefit of litigants and attorneys of the Owsley circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Owsley circuit court is hereby required to make an index entry in the "general index" of his office, in the manner and form now prescribed by law, of all cases which had been decided and filed away in said court prior to the first day of December, 1873.

§ 2. That his compensation for said services shall be two cents for each entry so made, to be allowed by the court of claims of said county and paid out of the county levy.

§ 3. That this act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 932.

AN ACT to incorporate the Glasgow Grangers' Mutual Benefit Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That W. E. Huggins, H. A. Jordan, J. T. G. Winlock, B. A. Davidson, G. Y. Buford, Dr. J. J. Jepson, W. H. Edmunds, J. C. Edmunds, C. M. Wheeler, W. D. Tolle, J. B. Preston, U.

G. Harlow, A. J. Gragg, B. F. Dickey, and G. C. Young, and their successors, be, and they are hereby, created a body corporate, under the name of "Glasgow Grangers' Mutual Benefit Society;" perpetual succession, with the right to obtain, hold, sell and convey, and dispose of such real and personal property as may be necessary to carry out the object of this charter; and to make and retain their capital stock to the amount of one hundred thousand dollars, with power to confer charities as hereinafter provided, as the company may determine (by its board of directors); and may make contracts that shall be binding; sue and be sued; make and transact all business in its corporate name for its corporate purposes; and to use a common seal, renewable and changed at pleasure; and may make by laws for its government, not inconsistent with this charter or the law of the land.

1-76.

Name and style.

May acquire and hold real and personal estate.

Corporate powers.
Common seal.

§ 2. The persons herein named, or a majority of whom, may constitute a board to do business; and may proceed at pleasure to organize fully, and to receive members only of sound and healthy Grangers, under the age of sixty-five years, in good standing in their lodges, and acceptable to the board.

Who may be members.

§ 3. Each person, upon becoming a member, shall pay into the treasury of the company, according to their respective ages, as follows, to-wit: From the age of sixteen to twenty years, three dollars; from the age of twenty to twenty-five years, four dollars; from the age of twenty five to thirty years, six dollars; from the age of thirty to thirty five years, eight dollars; from the age of thirty-five to forty years, ten dollars; from the age of forty to forty five years, twelve dollars; from the age of forty-five to fifty years, fifteen dollars; from the age of fifty to fifty-five years, eighteen dollars; from the age of fifty five to sixty years, twenty-one dollars; from the age of sixty to sixty-five years, twenty-five dollars; which amounts, when received into the treasury, to become a permanent fund of the company, which, with the other qualifications prescribed, shall entitle him to membership for life; but he may be expelled for any violation of the published by laws as may not be inconsistent with this charter.

Fees of membership.

§ 4. The number of members may be increased to, and retained at, one thousand; but the company may, through its board of directors and by-laws, when they have received one thousand members, increase the number to two thousand

Number of members.

1876.

Amount of certificate.

members, and so on until they have reached five thousand; but no certificate shall be issued to any member for more than one thousand dollars at one time; but if any member desire to take another certificate, after the company has been increased to one thousand members, he may do so by paying double the amount of fees named in the third section of this act, or at the same rate as therein named.

When to be issued.

§ 5. Upon the payment of the membership fees named in the third section of this act, the company shall cause certificate of membership to be given to the member paying it, with stipulations according to the terms of this charter, and according to such by laws as they make and publish not inconsistent herewith.

Fees may be increased.

§ 6. When the membership has reached one thousand members, the company may, through its board of directors, increase the membership fees fifty per cent.

Physician to examine all applicants.

§ 7. All applicants for membership shall be examined by some practicing physician, who shall be appointed by the board, or its authorized agent, who shall be entitled to a fee of one dollar, to be paid by the applicant, if he is accepted as a member of said company; and if the applicant is rejected, the fee to be paid by the company. The medical examiner shall write his certificate on the application, giving his opinion as medical examiner as regards the health and constitution of the applicant, and whether he believes it would be safe to accept the applicant for membership.

Examiner to give written certificate.

§ 8. All applications for membership shall be accompanied with the membership fee, together with one dollar certificate fee.

Charity fund.

§ 9. In addition to the permanent fund, upon the notification of the death of a member, each surviving member shall pay into the treasury one dollar and ten cents, one dollar of which from each member to constitute a fund to be paid for the benefit of the widow and children of the deceased member, and the balance to defray the expenses of the company.

How formed.

How paid.

§ 10. The fund created in section nine for the benefit of the widow and children of the deceased member shall be paid to them by said company as soon as it can be collected, or to their trustees, in the discretion of the company, subject, however, to be appropriated for their benefit equally, according to the will of the deceased member, or if he should leave no

widow or child, then to be appropriated according to his will; or if he leaves no will and no widow or child, it shall vest and remain in said company, and be added to its capital stock, or appropriated as they may deem expedient.

1876.

§ 11. No part of the stock or interest that any member or his widow or child or children may have in said company or institution shall be subject to any debt, liability, or legal or equitable process against him, or any of them.

Stock not liable for debt.

§ 12. The office of the society shall be at Glasgow, Kentucky, and the organization shall there take place by the election of seven directors, to be chosen from the society, each member having one vote; and they or a majority of them, shall elect from their body, or from members of the society, a president and such other officers as they may deem necessary for the transaction of business, to hold their office till the first Monday in January, 1877, or during good behavior, and until their successors shall take place on the first Monday in each year; but should an election fail to be had at that time, or in case of vacancy in office, an election may at any time be held to fill any or all offices, upon first giving thirty days' notice to the members, by publication in some newspaper in Kentucky of the time and place of said election.

Place of business

Officers.

Term of office.

Vacancy—how filled.

§ 13. Should any or all of said offices become vacant, and remain so for one year, should no election be held within one year of the regular term of service, shall have expired, any fifteen of the members of said society may reorganize as in the beginning, upon giving notice as required in the twelfth section of this act.

May reorganize.

§ 14. The board of directors may fix the salary of its officers, prescribe their duties, and the amount and condition of such bonds as they may require of them, and do all other acts within the purview of this charter, and not inconsistent with law.

Officers—their compensation.

§ 15. A majority of the directors alone, or three of them with the president or vice president, shall constitute a quorum to do business; and in the absence of the president or vice president, may appoint such officers *pro tem*.

Quorum.

§ 16. *Be it further enacted*, That so much real and personal property as are necessary for the use of said society in the transaction of its business contemplated by this act, shall be exempt from all taxes.

Exempt from taxation.

1876.

Exempt from In-
surance Bureau.

§ 17. It shall also be exempted from the operations of the Insurance Bureau, and the act of March 12th, 1870, on Insurance for the State of Kentucky.

Record to be
kept.

§ 18. A full record of all the proceedings of the society shall be kept, subject at all times to inspection by the members and others interested.

§ 19. The officers of the society shall cause a full report of its condition and work to be published annually.

§ 20. The by-laws may regulate the time of meeting of the board, and called meeting, the rules, numerous forms of voting, and regulate all other business, not inconsistent with this act; and may fix the rules and principles by which the society may try and expel a member, adjudicate upon his rights, duties, and forfeitures as a member of said society.

§ 21. No member shall in any way be personally responsible for any liability of the society, but the property alone shall be liable for all just claims against the corporation.

§ 22. If the board chooses, they may constitute agencies and branch agencies in the State of Kentucky.

§ 23. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 933.

AN ACT to amend the charter of the town of Lockport, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Lockport, in Henry county, be so amended as to empower and authorize the trustees of said town and their successors, in their discretion, to grant a license to any hotel-keeper now or hereafter engaged in such business in good faith in the town of Lockport to retail any and all kinds of spirituous liquors by the drink or otherwise: *Provided*, The State tax be first paid by the applicant now required by law, as well as the tax required by the legal authorities of said town, if any; that a license for said privilege shall not be granted for more than one year at a time.

§ 2. That no hotel-keeper shall be eligible to the office of

trustee of said town while the power to grant the aforesaid license is vested in such officers. 1876.

§ 3. That this act take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 934.

AN ACT to incorporate Taylor Lodge, No. 164, of Free and Accepted Masons, of Colemansville, in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Taylor Lodge, No. 164, of Free and Accepted Masons, of Colemansville, in the county of Harrison, be, and the same are hereby, created a body-politic and corporate, by the name and style of Taylor Lodge, No. 164, with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be necessary for the use of said lodge; to sell, convey, and dispose of all such real or personal estate as they may have or hereafter acquire: *Provided*, The amount invested in real estate at any one time, exclusive of buildings thereon, shall not exceed five thousand dollars.

§ 2. That George B. Durant, Samuel J. Ecklar, and John B. Crouch, and their successors in office, be, and they are, constituted a board of trustees to whom is entrusted the management of the concerns of said corporation, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and services of notice or process on any two of said trustees shall be sufficient notice to said lodge.

§ 3. That said trustees shall hold their offices until December 27th, 1876, or until their successors are duly elected: *Provided*, That said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this State, as may be necessary to the management of the affairs and safe keeping of the property of said lodge; and they may have and use a common seal, and change the same at pleasure; and in con-

1876. veying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The General Assembly shall have the right to change, repeal, alter, or amend this act at pleasure.

§ 5. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 935.

AN ACT for the benefit of C. R. Snell, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. R. Snell shall be allowed to retail vinous, malt, and spirituous liquors in his store-house, about thirty yards from his hotel, at Greencastle, Warren county, under the license obtained from the Warren county court, to be governed by the same laws, and liable to the same penalties, that he would be under if carried on in said hotel.

§ 2. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 936.

AN ACT for the benefit of G. B. Dockery, of Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of twenty-one dollars and seventeen cents, for the benefit of G. B. Dockery, late sheriff of Butler county, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 937.

1876.

AN ACT to incorporate the Farmers' Home Journal Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry T. Duncan, jr., J. B. Nall, John H. Brand, Corporators.
 John Duncan, and those who may associate with them, and
 their successors and assigns, shall be, and they are hereby,
 created a body-politic and corporate, by the name of the Name and style.
Farmers' Home Journal Company; with power, and in that
 name, to contract and be contracted with, sue and be sued, Corporate powers.
 plead and be impleaded, answer and defend, in all courts and
 places whatever as a natural person; and to have and use a
 common seal, and to change and renew the same at pleasure. Common seal.

§ 2. That it shall be lawful for said corporation to establish
 a general newspaper, book, and job printing business in Lou-
 isville.

§ 3. That it shall be lawful for said corporation to purchase
 and hold in fee or by lease such real estate as may be needed May acquire and hold real estate.
 in the transaction of their business, or may deem it expedient
 to acquire by purchase.

§ 4. That said corporation may borrow money, but not in May borrow money.
 excess of its capital stock subscribed; and may secure the
 same by mortgage on its real and personal property, or the
 pledge of stock or bonds or otherwise, and on such time as
 the president and directors, or a quorum thereof, may deem
 expedient.

§ 5. That the capital stock of said company shall be twen- Capital stock.
 ty-five thousand dollars, divided into one hundred shares of
 two hundred and fifty dollars each. The shares shall be per-
 sonal estate, and transferable on the books of the corpora-
 tion according to the by-laws; but the corporation shall hold Lien upon shares of stock.
 a lien upon the shares of any stockholder who may be indebted
 to it; and such shares shall not be transferred without the
 consent of the president and directors until such debt shall
 be paid or discharged. Each share of said capital stock shall
 entitle the holder to one vote in all elections of directors, and One vote for each share.
 at all meetings of stockholders.

§ 6. That the persons named in the first section shall re- Subscriptions—how payable.
 ceive subscriptions of stock, and fix the time and manner of
 paying in the same, and prescribe in the subscription what

1876.

When to commence business.

failure shall authorize a forfeiture of the stock subscribed; and when said twenty-five thousand dollars shall be subscribed, the said corporation may proceed to business.

Directors—when elected.

§ 7. The persons named in the first section of this act shall call a meeting of stockholders, at which a board of five directors shall be elected, each of whom shall hold in his own right at least one share of the capital stock of this corporation; and said board shall organize by electing one of their own number as president, and one as secretary; and said president and directors shall provide by the by-laws for the annual election of president and directors, in January of each year, after the first organization of the corporation; and the president and directors shall always hold their office until their successors are qualified. Vacancies that may occur in the board of directors during the year for which they are elected shall be filled by the board.

Officers.

Vacancy—how filled.

May make by-laws, &c.

§ 8. The president and directors shall, from time to time, make all necessary by laws, rules and regulations, alter and amend the same for the government of the corporation, and the conduct of its business, and prescribe the number of directors necessary to constitute a quorum for the transaction of business; and may provide for administering oaths, and taking bonds from its officers and employes to secure the faithful discharge of their duties.

§ 9. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 938.

AN ACT to change the line between the counties of Whitley and Laurel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the counties of Whitley and Laurel be, and the same be, so changed as that it shall run with the meanders of Laurel river from the point where the line now crosses the same near William Eaton's to the mouth of said river; thence with the Cumberland river to the mouth of Rockcastle river; and thence with said river and the Pulaski county line to the Laurel county line, so as to include all that part of Whitley county north of the Laurel river in Laurel county.

§ 2. This act shall take effect and be in force from and after its passage. 1876.

Approved March 20, 1876.

CHAPTER 939.

AN ACT to exempt the citizens from road tax north of Green river, in Henderson county, and require them to work said roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the citizens living north of Green river, in Henderson county, be exempt from the two dollars per capita tax, and of ten cents on each one hundred dollars' worth of property now assessed and levied as road tax: *Provided*, Said citizens be required to work the roads in said section under the rules and regulations governing road services in said county before the "act approved March 11th, 1869," went into effect.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed, in so far as they apply to the part named in the above section.

§ 3. This act to take effect from and after the first day of December, 1876.

Approved March 20, 1876.

CHAPTER 940.

AN ACT for the benefit of B. R. Nall and other sureties of Joseph Gore, late sheriff of Larue county.

WHEREAS, Joseph Gore, late sheriff of Larue county, failed, and his sureties, B. R. Nall, Henry Ash, Richard Crady, Jas. Crady, and William Edlin, had to pay, among other things, between four and five thousand dollars of the revenue for the year 1874, with ten per cent. thereon from the first of June, 1873; and it appearing from the records in the Auditor's office that said sureties have paid into the Treasury the ten per cent., amounting to the sum of two hundred and eighty-six dollars and sixty-five cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby authorized and directed to draw his warrant on the Treasurer in favor of B. R. Nall,

1876. Henry Ash, Richard Crady, Jas. Crady, and William Edlin, for the sum of two hundred and eighty-six dollars and sixty-five cents, it being the amount of the ten per cent. paid into the Treasury by said sureties on the revenue for the year 1874.

§ 2. That this act shall be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 941.

AN ACT authorizing the Pulaski county court to agree upon a compensation to the sheriff or tax collector of said county for the years 1876 and 1877.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Pulaski county court is hereby authorized and empowered to agree upon and pay to the sheriff or tax collector of said county for the years 1876 and 1877, for the collection of the county levy and other county taxes, at any rate not exceeding ten per cent. on the amount collected by the sheriff or tax collector in the years aforesaid.

§ 2. This act to be in force from its passage.

Approved March 20, 1876.

CHAPTER 943.

AN ACT to authorize the county court of Marshall county to issue bonds to rebuild or enlarge the court-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Marshall county, a majority of the justices of the peace for said county being present and concurring therein, is hereby authorized to make an order to issue the bonds of said county, in sums of from fifty to five hundred dollars, to the amount of four thousand dollars, payable in one, two, three, and four years from date, and bearing any rate of interest that may be fixed, not exceeding eight per cent. per annum, which is hereby legalized; and said bonds, when so issued, shall be disposed of by public sale or

How bonds
payable.

Rate of interest.

otherwise as said county court may direct, and the proceeds applied to enlarging or rebuilding the court-house in said county; and the county court may levy and collect a tax to pay the interest as it accrues, and to pay said bonds when they mature, upon all property taxable for revenue purposes. 1876.

§ 2. That the county judge and county clerk shall constitute the county court of said county in the meaning and intent of this act, so far as the same relates to the issuing and disposing of said bonds.

§ 3. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 944.

AN ACT for the benefit of James Dees, of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of James Dees, late deputy sheriff of Laurel county, for the sum of seventy-four dollars, to be paid out of any money in the Treasury not otherwise appropriated, it being in full for compensation paid guards by said Dees to enable him in controlling Newton George and Fielding Shelton (found by the Laurel circuit court to be lunatics) to the lunatic asylum at Anchorage.

§ 2. This act shall be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 946.

AN ACT to provide for the payment of expenses incurred in the investigation of charges preferred against Senator George B. Hodge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury, one in favor Chas. A. Graham for sixty-four dollars and seventy-five cents, for reporting the evidence in the investigation of charges against Senator George B. Hodge, and one in favor of

1876. R. C. Steele for twenty-four dollars and fifty cents, in payment of said Graham's board and room rent for use of the investigation committee; said warrants to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 947.

AN ACT to incorporate the Louisville Rugby School, of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. E. Williams, A. L. McDonald, L. N. Buck, R. A. Robinson, and Wm. N. McDonald, and their successors, are hereby created a body corporate and politic, under the name of the "Board of Trustees of the Louisville Rugby School;" and by that name may sue and be sued, contract and be contracted with, in any court of law or equity; may have a common seal, and alter the same at pleasure; may have perpetual succession; and may make all by-laws necessary for the transaction of the business and for the government of said school, not inconsistent with the laws of this State or of the United States.

May acquire and hold real and personal estate.

§ 2. That the said board of trustees may receive or acquire or hold, by gift, grant, or otherwise, for educational purposes only, as hereinafter expressed, property, real and personal, in fee or for a term of years, not exceeding two acres within the limits of the city of Louisville, nor twenty-five acres outside of it, and may sell or transfer the same at pleasure; and all said property so held, and so long only as so held by said board for educational purposes, shall be exempt from taxation, State, city, or otherwise.

Vacancies—how filled.

§ 3. That the said board shall have power to fill all vacancies occurring in said board by resignation, death, or otherwise; and that it shall have the right, and is hereby

May issue bonds.

authorized, to issue bonds to the amount of ten thousand dollars, in denominations not less than one hundred and not more than (\$1,000) one thousand dollars, bearing the legal rate of interest, and for the payment thereof to pledge the property of the corporation.

§ 4. That said board shall have power to issue and sell certificates of scholarship for such terms of years as may seem to it best for the interests of the school.

1876.

§ 5. Since the object of this corporation is to establish an institution of learning of a high order for the education of boys and young men, the said board of trustees shall have power to confer such honorary degrees and diplomas as are usual in the colleges of this Commonwealth.

May confer degrees.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 948.

AN ACT to incorporate the town of Turner's Station, Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of land embraced in the survey, and bounded as follows: Beginning at a stone at the northeast corner of the town; thence south 86 east 32 poles; thence north 43 west 115 poles; thence south 10 west 32 poles; thence south 55 west 22 poles; thence south 17½ west 60 poles; thence south 68½ east 63; thence with the back line of the town north 42½ east 55 to the beginning, containing by survey 43½ acres, be, and the same is hereby, established as a town by the said name of Turner's Station; and Jos. T. Ransdell, Jas. Blankinship, N. A. Humston, Dr. Wm. Coblin, and N. L. Thomas are hereby appointed trustees of said town, and shall hold their office until the first Saturday in July, 1876, and until their successors are elected and qualified, and enter upon the discharge of their duties of their office. On the said first Saturday in July, 1876, the said parties named as trustees shall cause an election to be held in said town by the qualified voters residing therein for thirty days prior thereto for five trustees, a police judge, and town marshal of said town, who shall hold their offices for one year, and until their successors shall be inducted into office; and on the first Saturday in July of each year the trustees of said town shall cause a similar election for said offices to be held at time and place. Of each election shall be advertised for at least ten days prior thereto, by written or printed notices, posted at three or more public places in said town. The board of trustees shall appoint two

1876. of their number to hold each election, who shall certify the poll book thereof, and the board of trustees shall, within three days after each election, examine and compare the poll-book and declare, by order on their records, the person or persons elected to each office. The poll-books of such election shall be deposited and safely kept in county clerk's office in Henry county.

§ 2. The board of trustees of said town, and their successors in office, are hereby created a body-politic and corporate, by the name and style of the board of trustees of the town of Turner's Station; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, in all courts and places in this Commonwealth; may have and use a corporate seal, and break or alter same at pleasure. The prudential and financial affairs of said town shall be vested in, and controlled by, the board of trustees. They shall elect one of their number chairman, who shall sign all orders and proceedings of the board. They shall keep a full and correct record of all the proceedings of the board, and shall have charge of all records and papers of said board. The board of trustees shall have power to adopt such by-laws and ordinances for the government of said town, and for the preservation of the peace and good morals thereof, as they may deem proper, not inconsistent with the Constitution and laws of this State or of the United States, and may enforce same by proper penalties. They shall have charge of the streets and alleys and public property of said town as designated by said plat, or which may hereafter be established.

§ 3. There is established in said town a court to be known as the Police Court of Turner's Station, to be held by the police judge of said town, elected as hereinbefore provided, who shall be commissioned by the Governor, and shall be known as the Police Judge of Turner's Station; he shall be a conservator of the peace, and shall have all the powers of a justice of the peace in the issuing of warrants for the arrest of persons charged with criminal or penal offenses, and shall have the powers of a single justice in examining trials. The said court shall have jurisdiction for the trial of all persons upon the charges of the violations of the by-laws or ordinances of said town. In cases in which the proceeding is for a violation of the by-laws or ordinances of said town, the

process shall be directed to the town marshal of Turner's Station, and in all other cases to the sheriff, constable, or marshal, and in all cases shall run in the name of the Commonwealth of Kentucky. All fines for breach of the by-laws or ordinances of said town shall be for the benefit of said town, and shall be paid to the town treasurer or to such person as may be by said board of trustees authorized to receive the same.

1876.

§ 4. The town marshal of said town shall execute bond, with good and sufficient surety, to be approved by the board of trustees, which bond shall be to the Commonwealth of Kentucky, and shall embrace similar stipulations and conditions as bonds required by law to be executed by constables, and upon which suit may be instituted for any breach thereof by any person injured thereby. The said marshal shall exercise same powers and duties as required by law of constables in all proceedings in said police court for breach of the by-laws and ordinances of said town, and shall have all the powers of a constable in making arrests upon charges of breach of the criminal or penal laws, and shall collect all taxes which he may be ordered by the board of trustees to collect; and for that purpose shall have similar powers as allowed by law to sheriffs in making distraint for such taxes; and he shall pay same over as may be directed by board of trustees.

§ 5. The term of office of the trustees and of the town marshal shall begin immediately upon the certificate of their election by the board of trustees, and of the police judge upon being commissioned by the Governor; and each of said officers shall, before some officer authorized to administer oaths, take the oath required by the Constitution of this State before entering upon the discharge of their duties.

§ 6. The board of trustees shall have power to grant coffee-house license, with privilege of selling spirituous, vinous, or malt liquors, by drink or otherwise, in said town, and to charge and collect a tax therefor, the amount of such tax to be fixed by order of the board, and when collected shall be for the use of said town; but no privileges shall be exercised under such license until the tax upon license required to be paid to the State shall have been paid.

1876.

§ 7. The board of trustees shall have the power to levy upon the property in said town a tax of not exceeding fifty cents upon each one hundred dollars in value in any one year, and a poll-tax of not exceeding one dollar and fifty cents upon each tithable in said town in any one year, which tax shall be collected by the town marshal; and with a view to the levying of such tax, the board of trustees may appoint an assessor to take a list of the taxable property and tithables in said town; and they may make such allowance to the assessor and town marshal for their services as they may deem just.

§ 8. The board of trustees may, with the funds of said town, grade, pave, and improve the streets, sidewalks, alleys, and public property of said town, as they may deem best.

§ 9. The police judge of said town shall be entitled to the same fees as a justice of the peace for similar services, and the town marshal shall be entitled to the same fees as a constable for similar services.

§ 10. The board of trustees shall cause the survey and plat of said town to be recorded in office of clerk of Henry county court, and shall pay for same out of town treasury.

§ 11. The board of trustees may appoint a treasurer, who shall execute bond, with surety, to be approved by the board, and whose term of office shall be one year, and may be removed by the board at pleasure. Nothing in this act shall be construed to allow any person to hold the office of police judge or trustee who may sell spirituous, vinous, or malt liquors, on the submission of the local option law.

§ 12. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 949.

AN ACT for the benefit of Joseph H. Davis, sheriff of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the first day of August, 1876, be given Joseph H. Davis, sheriff of Ballard county, to collect and pay into the Treasury the State revenue: *Provided, however,* That before the said Joseph H. Davis, sheriff as aforesaid, can avail himself of the benefits of this act, his securities on his revenue bond shall enter on the record of the Ballard

county court their consent to the extension of time given in this act. 1876.

§ 2. This act to take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 950.

AN ACT for the benefit, of Jos. D. Smith, committee of Rhoda Ray, an idiot of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of Jos. D. Smith, committee of Rhoda Ray, an idiot of Laurel county, for the sum of twenty-seven dollars and thirty-two cents, for maintenance of said idiot from the 1st day of April, 1875, to the 13th day of September, 1875, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 951.

AN ACT to increase the jurisdiction of the police court in the town of Eminence, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jurisdiction of the police court of the town of Eminence, in Henry county, be, and the same is hereby, increased and made concurrent and coextensive with the magistrates over civil and criminal matters in said county.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 20, 1876.

1876.

CHAPTER 952.

AN ACT to authorize the county court of Grant county to appropriate money to turnpikes, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Grant county, a majority of the magistrates in commission being present and concurring, may appropriate the sum of six hundred dollars per mile for every one mile of turnpike built in said county under any charter now existing, or other corporation for such purpose hereafter created. Said sum of six hundred dollars per mile shall be owned and held as stock in the road to which it is appropriated; and in all elections of the company of said road, the judge of the county court shall cast the vote to which the said amount of stock entitles the county.

§ 2. The county court, upon the written application of twenty voters, may order an election to be held for the purpose of ascertaining whether the majority of the voters of Grant county are in favor of said appropriation; and if at said election a majority of those voting vote in favor of the appropriation, as provided in section one of this act, then this act to be in force, and continue in force, four years from the date of said election. The result of said election shall be ascertained and declared in the same manner as that of sheriff.

§ 3. This act shall take effect from and after its passage.

Approved March 20, 1876, /

CHAPTER 953.

AN ACT to incorporating the Supreme Lodge of the Knights of Honor.

WHEREAS, Certain persons, citizens of Kentucky, Tennessee, Indiana, Ohio, Missouri, Pennsylvania, New York, New Jersey, and Massachusetts, have formed a corporation to promote benevolence, morality, science, and industry, in said States and the United States; therefore,

Be it enacted by the Senate and House of Representatives of the Commonwealth of Kentucky:

§ 1. That A. E. Keyes, C. W. Smith, J. W. Holmes, B. F. Nelson, J. C. Plumer, S. C. Thompson, J. W. McLaughlin, H. M. Bartholomew, P. W. Bartholomew, Wm. M. Wheatley, J.

Corporators. ■ ■

E. Cowan, J. F. White, F. M. Lockwood, C. B. Tinker, C. M. 1876.

Haywood, H. L. Millard, D. A. Arter, G. H. Krieder, O. N.

Bradburn, J. A. Demaree, R. A. Osmer, T. M. Lossie, C. M.

Hardenburg, T. W. Seymour, Thos. Haynes, A. L. Aubin, J.

W. Denman, J. M. Rainey, G. D. Hughes, D. B. Gally, D.

Wilson, and their successors, be, and are hereby, created a

body politic, to be known by the name, style, and title of the Name and style.

“ Supreme Lodge Knights of Honor;” and by such name and Corporate powers.

title shall have perpetual succession, and be capable in law of

suing and being sued, pleading and being impleaded, and of

purchasing, leasing, holding, granting, and receiving, in its

corporate name, property, real, personal, and mixed, and of

instituting grand and subordinate lodges, as it may see fit,

under such laws, rules, and regulations as the corporation

may enact, not in conflict with the laws of this State and the

United States.

§ 2. The objects of the corporation shall be to unite fraternally all acceptable white men of every profession, business, and occupation; to give all possible moral and material aid in its power to its members, and those depending on its members, by holding moral, instructive, and scientific lectures; by encouraging each other in business, and by assisting each other to obtain employment; to promote benevolence and charity; by establishing a widows and orphans' benefit fund, from which, on satisfactory evidence of the death of a member of the corporation, who has complied with its lawful requirements, a sum not to exceed five thousand dollars (\$5,000) shall be paid to his family, or as he may direct; to provide for creating a fund for the relief of sick and distressed members; to ameliorate the condition of humanity in every possible manner. Objects and purposes.

§ 3. The said Supreme Lodge shall have a common seal for the making and delivering of all legal acts and proceedings, the same to break or alter at pleasure. Common seal.

§ 4. The said Supreme Lodge may provide for holding annual meetings, at such time and place as a majority of its voting members may select.

§ 5. The private property of members of the corporation shall be exempt from the corporate debts. Private property exempt.

§ 6. The said Supreme Lodge shall provide for the elections of such officers as it may deem necessary to transact the business of the corporation, and to further its objects, who shall Election of officers.

1876. hold office until their successors are duly elected, qualified, and installed into office.

Lodge fund exempt from execution.

§ 7. The said Supreme Lodge shall have power to create, hold, and disburse the funds named in the objects of the corporation for promoting benevolence and relieving the sick and distressed, under such regulations as it may deem necessary to adopt; and said funds shall be exempt from execution, and shall, under no circumstances, be liable to seizure or appropriation by any legal or equitable process for any debt or debts of its living or deceased members; and said funds shall be exempt from the laws, rules and regulations, governing the Insurance Bureau of this State.

§ 8. This act to be in full force and to take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 954.

AN ACT to amend chapter one hundred and sixty, Acts of 1873 and 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act increasing the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth," Acts of 1873 and 1874, chapter one hundred and sixty, which became a law without the signature of the Governor, 13th February, 1874, shall apply to the counties of Adair and Allen, the same as if said two counties had been mentioned in said act.

§ 2. This act to be in force from its passage.

Approved March 20, 1876.

CHAPTER 955.

AN ACT giving the sheriff of Franklin county the longer time of two months to pay into the Treasury the revenue tax of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Franklin county be, and he is hereby, allowed the further time of two months from the passage of this act to pay into the Treasury the revenue tax of the

county of Franklin: *Provided*, That this act shall not take effect unless the sureties of the said sheriff upon his official bond for the collection of the revenue shall give their written consent to such extension before the county judge of said county.

1876.

§ 2. This act shall be in force upon its passage.

Approved March 18, 1876.

CHAPTER 957.

AN ACT to amend the charter of the Louisville, Harrod's Creek, and Westport Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville, Harrod's Creek, and Westport Railway Company be, and the same is hereby, so amended that it shall be lawful for said company to borrow money, and secure the same by mortgage, upon terms agreed on, or issue and sell mortgage bonds, secured by mortgage, upon all or any designated portions of its line of railway, and its property and franchises thereto pertaining or belonging; and such mortgage and bonds, heretofore or hereafter executed and issued, shall be deemed legal and valid: *Provided*, That said bonds shall not bear interest at greater rate than ten per cent. per annum, payable half yearly, nor run for more than thirty (30) years.

§ 2. That in order to raise a sinking fund with which to pay interest and principal of the precinct bonds issued by the county court of Jefferson county for and on behalf of Harrod's Creek precinct, of Jefferson county, for and on account of subscription of capital stock made by said precinct in said company, it shall be the duty of the county court of Jefferson county; on the first Monday in February of each year, upon the request of the commissioners of the sinking fund for said precinct, or any two of them, to order the levy and collection of a poll-tax of one dollar upon each and every voter then resident in said precinct, which tax shall be collected by the sheriff of Jefferson county as other taxes are now collected and paid into the treasury of said sinking fund by said sheriff at the same time and in the same way that other taxes are now required to be paid by law, and the sheriff and his sure-

1876. ties in his official bond shall be liable for said taxes as in case of other revenue collected by him; and if the assessor of said county fails to report the name of any voter resident in said precinct on the first day of February of each year, then it shall be the duty of said sheriff to make out and report the names of all such voters so omitted to the clerk of the county court for said county, who shall enter the same upon the assessor's book, and certify the same to said sheriff for the collection of said poll-tax, and said sheriff shall collect said poll-tax from no person until the clerk of said court shall so certify.

§ 3. That if any corporation shall at any time own any real or personal property, situated within any precinct or county which has subscribed for stock in said railway company liable to taxation for State or county revenue, it shall be the duty of the assessor of taxes for said county to assess said property for taxation, and report the same to the clerk of said county court with and at the same time he returns his tax lists; and such property shall be liable to be assessed at the same rate as the property of private persons; and the taxes due therefrom shall be collected as other taxes are now collected by law for revenue purposes.

§ 4. It shall be the duty of the clerk of the county court, at the same time he is now required by law to deliver the tax list to the sheriff for the collection of State revenue, also to make out and certify to said sheriff a correct list of all persons and property in said precinct liable to taxation, and certify the same to the sheriff of said county, together with the rate of taxation which is fixed by the county court; and the sheriff shall receipt for the same, and be liable for the collection of the same, as in case of taxes for State revenue. And it shall be the duty of said sheriff, during the month of December of each year, to settle his accounts with the county court on account of taxes collected or collectable under the charter and amendment of said railway company, in which settlements he shall be allowed credit by all amounts paid over to the commissioners of the sinking fund, or their treasurer, and by the amount of such delinquent tax payers as to whom he shall satisfy the court by his affidavits that the same could not have been collected by the use of proper diligence; and in said settlement said sheriff shall be

chargeable with all the taxes of which lists therefor have come to his hands. Said settlements shall, after being made, be filed in open court, and lay over for exceptions, of which the commissioners of said sinking fund, or their treasurer, shall have written notice; and if, within twenty days after service of such notice, no exceptions thereto shall be filed by said commissioners or other tax-payers, then it shall be the duty of said court to enter on record an order approving said settlement; and a copy of said order shall serve as a quietus to said sheriff for said taxes; but if any such exceptions shall be filed against said settlements, it shall be the duty of said court to hear and determine the same in a summary way, allowing each party time to procure evidence, which may be oral or by depositions taken on notice; and in such contest it shall be the duty of the county attorney for the county to attend and prosecute said exceptions; and said court shall have full power, by rule and attachment, to compel said sheriff and sureties to account for and pay over to said commissioners of the sinking fund all sums found or admitted to be due on account of said taxes, and to compel the settlement of his accounts as herein provided.

1876.

§ 5. That all property liable to taxation for State revenue purposes on and after February 18th, 1873, within the limits of said Harrod's Creek precinct, bounded as described as of that date, shall be and remain liable to taxation for the purposes aforesaid so long as such taxation shall be necessary for the payment of principal and interest of said bonds; and no change of the boundary of said Harrod's Creek precinct, nor the erection of a new precinct, in whole or in part, within the limits of said precinct, as of the date aforesaid, shall affect or defeat the right to levy and collect the taxes aforesaid.

§ 6. If any president, director, or managing officer of any corporation shall fail or refuse, for the space of thirty days after the same are due, to pay any taxes collected under the charter of said railway company as amended, then such officer shall be and become personally responsible for the amount of such taxes, with lawful interest from the time due, and twenty per cent. damages thereon, which may be recovered in any court of competent jurisdiction by the commissioners of the sinking fund, with all costs, legal and extraordinary.

1876.

§ 7. This act to take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 959.

AN ACT to incorporate the Williamstown Masonic Hall Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators. § 1. That U. Harrison, R. W. Lowe, William Smith, Charles
 Name and style. O'Hara, W. N. Hogan, and their successors, be, and are here-
 by, created a body-corporate and politic, by the name of
 Corporate pow- "Williamstown Masonic Hall Company," with all the author-
 ers. ity and power of corporations for the purposes hereinafter
 mentioned.

May acquire and hold land. § 2. The corporation aforesaid is hereby authorized and
 May erect buildings thereon empowered to purchase and hold lands in fee-simple and by
 lease, and to erect thereon such buildings and edifices as they
 may think proper, and to rent and lease the same, or any
 part thereof, for such term or terms, and at such price or
 prices, as they may think proper.

Capital stock. § 3. The capital stock of said company shall be not exceed-
 ing fifteen thousand dollars (\$15,000), and shall be divided
 into shares of not less than five nor more than one hundred
 dollars each, and may be issued and transferred in such man-
 ner as the board of directors of said corporation may direct.

Board of direct- § 4. The affairs of said company shall be managed by five
 ors directors, one of whom shall be president, and all of whom
 must be stockholders in said corporation. The first board of
 directors shall consist of U. Harrison, R. M. Lowe, William
 Smith, and Chas. O'Hara, and W. N. Hogan, who shall con-
 tinue in office until their successors shall be duly elected by a
 majority in interest of the stockholders of said corporation;
 and the board of directors chosen by the stockholders shall
 continue in office one year, or until their successors are elected.

Term of office. If any of the above directors shall decline or refuse to act, a
 majority of the others shall fill the vacancy by appointing
 some one else. The board shall have power to adopt such
 rules and by-laws for the government of the corporation and
 management of the affairs and business as they may deem
 proper, not inconsistent with the Constitution and laws of
 the State. The said corporation, or any three of them, may

Vacancies—how filled.

open books of subscription and receive subscriptions to the **capital** stock of said company herein incorporated; and books **of** subscription may be opened and subscriptions received at **such** time and places, and by such agent or agents, as the **board** may direct, and upon such notices thereof as any three **of** said corporation may deem right and proper.

1876.

Subscriptions to
stock.
How received.

§ 5. The said Williamstown Masonic Hall Company, of Grant county, Kentucky, shall not own in fee-simple or by lease, lands exceeding in value fifteen thousand dollars, the capital stock of said company. Whenever thirty-five hundred (\$3,500) of the capital stock of said company is subscribed, and thirty per cent. thereof is paid, notices shall be given of the time and places of election of a new board of directors, who shall hold office for one year, and as provided herein. The board of directors shall be elected annually, and on such notices as the board of directors may prescribe. They shall have power to fill all vacancies in their own body, and shall elect their president. They may make such calls of payment of stock as they may deem advisable, not exceeding twenty per cent. for every thirty days. They may keep their office at such place or places as they may deem to the interest of the company. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may think necessary, with such compensation for services as they may fix, and may by their by-laws fix and determine the mode of keeping their books. They may have a corporate seal, and may alter or change the same, from time to time, as they may think best. After three thousand five hundred dollars of capital stock shall be paid in they shall have power to pledge, mortgage, or hypothecate their property to secure the payment of any debt or debts they may incur upon the account of the corporation. The said corporation is hereby authorized and empowered to borrow money, at any rate of interest not exceeding ten per centum per annum; and when they shall borrow money at any rate of interest over six and up to ten, it shall be specified in the contract upon its face what the rate of interest shall be.

Powers of directors.

Officers.

Compensation.

Corporate seal.

May mortgage
their property.

May borrow
money.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 960.

AN ACT to amend the charter of the city of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That all offenders who shall be fined in the mayor's court of the city of Cynthiana for a violation of the ordinances of said city, or a violation of the laws of the State, and who shall fail to pay or replevy the fines and costs adjudged against them, shall be compelled to labor upon any public work in said city, with ball and chain upon them, the number of days that shall be necessary to fully discharge said fines and costs, at the rate of one dollar per day for each day they labor.

Approved March 20, 1876.

CHAPTER 961.

AN ACT to amend an act, entitled "An act to incorporate the Owingsville and Mt. Sterling Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act named in the title of this act be, and is hereby, so amended as to authorize and empower the Owingsville and Mt. Sterling Turnpike Road Company to charge and collect the same rates of toll named in the third section of chapter one hundred and ten of the General Statutes.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 962.

AN ACT to amend an act establishing a board of commissioners of taxes and assessment for the city of Louisville, approved February 17th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one of an act of the General Assembly of the Commonwealth of Kentucky, approved February 17th, 1866, entitled "An act establishing a board of commissioners of taxes and assessments for the city of Louisville," be amended by striking from the first section thereof the words as follows: "The auditor, assessor, treasurer, president of the

board of alderman, and president of the board of common council of said city," and inserting in lieu thereof the words following, viz: "Presidents of both boards of the general council of said city, the chairmen of the committee on assessments in the board of aldermen and in the board of councilmen, and the assessor."

1876.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 963.

AN ACT for the benefit of Hezekiah McKeehan, committee of Isaac McKeehan, a pauper lunatic of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of Hezekiah McKeehan, committee of Isaac McKeehan, a pauper lunatic of Whitley county, for the sum of two hundred dollars, it being compensation to him for having kept, fed, and clothed the said Isaac, found to be a pauper lunatic by the Whitley circuit court, from the 28th day of March, 1872, to the 28th day of March, 1873, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in full force from and after its passage.

Approved March 20, 1876.

CHAPTER 965.

AN ACT for the benefit of Elisha Bullock, committee for Emanuel Ferril, pauper idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of thirty-seven dollars and fifty cents in favor of Elisha Bullock, trustee for Emanuel Ferril, a pauper idiot, from the April term of the Rockcastle circuit court, 1873, till the September term, 1873.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 966.

AN ACT to incorporate the Covington Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators. § 1. That Jno. Kearney, Alexander Greer, Vincent Shinkle, P. P. McVeigh, Jas. M. Clarkson, Ben. M. Piatt, and Louis Geisbauer, and those they associate with them, and their successors and assigns, be, and are hereby, created a body-politic

Name and style. and corporate forever, by the name and style of the "Covington Hotel Company;" and by that name shall have perpetual

Corporate powers. succession; may plead and be impleaded, in all courts and places whatsoever, as if a natural person. The said company

May acquire and hold real estate. shall have power to acquire and hold, by purchase, gift, devise, or otherwise, in fee or for a term of years, such real estate and buildings in the city of Covington, Kentucky, as may be deemed necessary or expedient for a large and convenient hotel; and for this purpose may purchase or rent any suitable lot or lots and buildings for such hotel, and may build, erect, equip, and furnish a hotel on any lot or lots purchased or leased by it for the purpose.

Powers of company. § 2. The said company shall have power to keep, manage, and conduct a hotel in Covington; to purchase, from time to time, all necessary furniture, equipments, and supplies; to employ clerks, servants, and other agents necessary or expedient for the keeping and management of its affairs. The said company may, if it should be deemed expedient, lease the said hotel, with or without furniture, for a term of years. It may erect and build all store-houses and other buildings deemed necessary or expedient for the successful keeping and conduct of said hotel, and lease or rent the same, or any part thereof, as may be deemed advisable.

Capital stock. § 3. The capital stock of said company shall be two hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be personal estate, and transferable in the books of the company in such manner as may be prescribed by its by-laws. Each share shall entitle the holder to one

One vote for each share. vote at all elections of directors and at all meetings of stockholders.

Board of directors. § 4. The business of said company shall be conducted by a board of directors of not less than five nor more than nine, all of whom shall be owners of not less than eight shares of

its capital stock, and who shall hold their offices for one year, or until their successors are elected and qualified. The said directors shall choose one of their number president of the board; and the president and directors shall make by-laws prescribing the time and manner for holding annual elections of directors, the manner of filling vacancies in the board caused by death, resignation, or otherwise, the number of directors necessary to make a quorum for the transaction of its business, and may also administer oaths and require bonds from the officers, agents, and servants of said company, and prescribe the manner and amount of said oaths and bonds, and may make all other regulations and by-laws, not inconsistent with the laws of the United States or of this State, necessary for its business.

1876

Term of office.

Vacancies—how filled.

Power of directors.

§ 5. The persons hereinbefore named, or such of them as a majority may appoint, shall be commissioners to open books of subscription, and prescribe the time and manner of subscription for the capital stock of said company; and when not less than thirty thousand of said capital stock of said company shall have been subscribed for in accordance with the terms and manner prescribed by said commissioners, the said company may organize and proceed to business; and the persons named in the first section of this act shall be the first board of directors of said company, and hold their office for one year, and until their successors are qualified.

Subscription to stock—how made

When may commence business.

§ 6. If any of the persons named shall not subscribe, they shall cease to be directors, and their places shall be filled by a majority of those who do subscribe and are directors.

§ 7. The said company shall have power to borrow money, not exceeding one hundred and seventy thousand dollars, at any rate of interest not exceeding ten per centum per annum, and issue its bonds therefor for sums of one thousand dollars each, payable at any time not exceeding twenty years, with interest payable semi-annually, and secure the payment of said bonds by a mortgage or mortgages on any part or of the whole of its property, real or personal.

May borrow money.

§ 8. The said company may, at any time, sell and convey, or otherwise dispose of, the whole or any part of its property, real or personal, by the assent of three fifths of its directors.

§ 9. The president and directors are hereby authorized, by order of the board, to fix the name of the hotel hereby incor-

May fix or change name.

1876. porated, and also to change the name whenever it may be deemed advisable.

§ 10. This act to be in force from its passage.

Approved March 20, 1876.

CHAPTER 967.

AN ACT to incorporate C. S. Hoffman Lodge, No. 252, Free and Accepted
Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the officers and members of C. S. Hoffman Lodge, No. 252, of Nebo, Hopkins county, Kentucky, and those who may hereafter become members thereof, be, and they are hereby, created a body-corporate, by the name and style of C. S. Hoffman Lodge, No. 252, of Free and Accepted Masons; and by that name shall have perpetual succession; and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they now have or may hereafter acquire, or any interest therein.

§ 2. That the management of the concerns of said lodge shall be, and is hereby, confided to W. T. McNary, W. G. Fike, N. J. Parrish, and R. J. Laughlin, Master, Wardens, and Secretary of said lodge, and their successors in office, as trustees thereof, who shall have full power to make all contracts pertaining to the real estate in any respect, either in purchasing, building, renting, selling, or for any and every other purpose, which shall be binding and obligatory upon said lodge, when made in pursuance of an order, the rule, by-laws, and instructions of said lodge; and service of process on any of said trustees shall be sufficient notice to said corporation.

§ 3. That all acts of said lodge heretofore done, or of any member thereof in behalf of said lodge, touching the purchase, building, holding, sale, and conveyance of any property owned, used, or conveyed by said lodge, or any member thereof acting as a committee appointed by said lodge, and in

pursuance of instructions thereof, be, and the same are hereby, 1876.
legalized and confirmed as fully and effectually as if done in
their present incorporated capacity as herein created.

§ 4. Said corporate body may have and use a corporate seal,
which they may alter or renew at pleasure.

§ 5. The General Assembly reserves the right to amend,
change, or modify this charter at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 968.

AN ACT in aid of common schools of Boyle county.

WHEREAS, The commissioner of Boyle county, in reporting
the census of pupil children to the Superintendent of Public
Instruction for the scholastic year ending June 30th, 1876,
omitted forty-three children, reported to him by the trustee
of district No. 10; therefore,

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

§ 1. That the sum of eighty-one dollars and seventy
cents be appropriated to R. H. Caldwell, commissioner of
common schools for Boyle county, to be paid out of any un-
expended surplus remaining in his hands for the school year
ending June 30th, 1876; and when he shall present his draft
for said amount, countersigned by the Superintendent of Pub-
lic Instruction, to the Auditor of Public Accounts, he shall
issue his warrant upon the Treasury for said amount in favor
of said R. H. Caldwell.

§ 2. The passage of no general law, at any future period of
this General Assembly, shall have the effect to repeal this
act.

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1876.

1876.

CHAPTER 969.

AN ACT to incorporate the Louisville Association for the Improvement of Live Stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators. § 1. That Wm. E. Milton, John T. G. Galt, P. S. Campbell, S. B. Shotwell, M. S. Milton, and W. R. Kenney, and their successors, be, and they are hereby, created a body-corporate, by the name of the Louisville Association for the Improvement of Live Stock, for the term of twenty years, with all the power and authority incident to corporators for the purpose herein mentioned.

Name and style. § 2. The said company is hereby authorized and empowered to purchase and hold lands in fee simple or by lease, for the purpose of erecting or procuring suitable buildings and grounds for the exhibition of live stock, agricultural and mechanical implements, the products of farms, gardens, and manufacturers, &c., and to offer premiums to exhibitors, and to do and perform all other things usually pertaining to agricultural and mechanical fairs and exhibitions.

May acquire and hold real estate. § 3. The capital stock of said company shall be fifty thousand dollars, and divided into shares of one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of such corporation may direct.

Capital stock. § 4. The affairs of said corporation shall be managed by five (5) directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of J. T. G. Galt, W. E. Milton, S. B. Shotwell, Phil. S. Campbell, and M. S. Milton, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected in any. If any of the above named directors shall decline to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such rules and laws for the government of the corporation and management of its affairs as they may deem best, not inconsistent with the laws and Constitution of the United States and this State. The said corporation, or any of them, may open books of subscrip-

Board of directors.

Vacancies—how filled.

May adopt rules, by-laws, &c.

Subscription to stock—how received.

tion, and receive subscription to the capital stock of said corporation; and books of subscription may be opened, and subscriptions received at such time and place, and upon such notice, as any three of them may deem right and proper.

1876.

§ 5. Said company shall not own, in fee simple or by trade, lands exceeding fifty thousand dollars in value. When twenty thousand dollars of capital stock is subscribed, and ten per cent. thereon paid in, notice shall be given at the time and place of the election of a new board, who shall hold office for one year as herein provided. The new board of directors of said corporation may fill all vacancies occasioned by death, resignation, or otherwise, and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. every thirty days. They may keep their office at such place or places as they may deem to the interest of the corporation. They may appoint a secretary, treasurer, and such other officers as they may deem necessary, and such compensation for services as [they] may fix, and may by their laws regulate and fix the mode [of keeping] their records as they may think proper.

Place of business.

Officers—compensation.

§ 6. Nothing contained in this act shall be construed as conferring banking privileges of the corporation.

§ 7. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 970.

AN ACT incorporating Phœnix Lodge, No. 196, I. O. O. F. of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. Bakrow, Noble Grand, E. Levy, Vice Grand, Th. David, Secretary, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Phœnix Lodge, No. 196, of the Independent Order of Odd Fellows, situated at Louisville, Kentucky; and they and their associates shall continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law

Corporators.

Name and style.

Corporate powers.

1876.

Common seal.

May make by-laws, &c.

Proviso.

May acquire and hold real and personal estate.

and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of Independent Order of Odd Fellows. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding the sum of ten thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly of Kentucky.

Approved March 20, 1876.

CHAPTER 971.

AN ACT for the benefit of the Maxville and Perryville Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Maxville and Perryville Turnpike Road be, and they are hereby, authorized to erect another toll-gate and house on said road at a point near Stewartsville, to be determined by the directors of said road, and may charge and receive toll at said gate for travel over said road: *Provided, however*, That none of the gates on said road shall charge toll at a rate higher than that now allowed by law.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 972.

AN ACT to amend an act, entitled "An act to change the name and extend the limits of the town of Berry's Station, in Harrison county," approved March 16th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act, entitled "An act to change the name and extend the limits of the town of Berry's Sta-

tion, in Harrison county," approved March 16th, 1869, be, and the same is, amended as follows: After the words "who shall have resided in said town" insert "and also those residing in the Berry's Station justices' precinct, and owning real estate in said town."

1876.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 973.

AN ACT for the benefit of James A. Ward, of Johnson county.

WHEREAS, James A. Ward was sheriff of Johnson county in the years 1859 and 1860 and 1861; and whereas, he has paid over or accounted for taxes uncollected by him, and is the holder of fee-bills due him for services rendered by him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James A. Ward, late sheriff of Johnson county, shall have the further time of two years from the passage of this act to collect, levy, and distrain for his uncollected fee-bills, subject to all the penalties now in force for the illegal issuing and collecting of fee-bills.

§ 2. That he shall have the like further time to collect, levy, and distrain for any taxes due him, and which he shall have paid over or accounted for as sheriff aforesaid; and for this purpose the property liable to taxes under existing laws shall be liable to any such taxes due him; but he and his sureties, or any of them, shall be liable for any injury sustained by the tax-payer by reason of any illegal seizure or proceeding under this act.

§ 3. That he shall have the right to list such taxes and fee-bills as may be due him with any sheriff or constable of this State for the purpose of collecting the same, who shall have the right to collect them as the said Ward is authorized by this act.

§ 4. This act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 975.

AN ACT for the protection of sheep in the counties of Henderson, Breckinridge, Caldwell, Hancock, McLean, and Christian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the assessors of tax in the counties of Henderson, Breckinridge, Caldwell, Hancock, McLean, and Christian shall, annually, when taking the names of the tax-payers in said counties, take an account of the number of dogs over six months of age owned or possessed by each person, or kept about any one house. That there shall be a tax of two dollars levied on each dog and three dollars on each bitch in said counties above mentioned. That the sheriffs of this Commonwealth in the said counties shall be required to collect and account for said taxes in like manner as they now do for the State revenue: *Provided*, Each bona fida housekeeper shall be allowed to keep one dog or bitch free of tax.

§ 2. That the funds arising from the tax on dogs belonging to white persons shall be paid into and become a part of the common school fund for white children in the county in which it shall be levied; and the funds arising from the tax on dogs belonging to colored persons in each of said counties shall be paid into and become a part of the common school fund for colored children in the county in which it is levied, and the said funds shall be applied in like manner as the other school funds are applied.

§ 3. That any person concealing, or attempting or aiding to conceal, or failing to list, any dog or bitch so as to avoid paying the tax or taxes required in the first section of this bill, shall be considered guilty of a misdemeanor, and liable, on conviction thereof, to a fine of not less than five nor more than fifteen dollars, to be recovered before any justice of the peace of the county in which the offense occurs.

§ 4. That every person owning, having, or keeping any dog or bitch shall be liable to the party injured for all damages done by such dog or bitch; and it shall be lawful for any person to kill, or cause to be killed, any dog or bitch which he may find roaming at large on his premises without the presence of the owner or keeper of said dog or bitch; and it shall be further lawful for any person at any time to kill, or cause to be killed, any dog or bitch which may be or may have been

found killing, worrying, or injuring any sheep or lambs; and when any person is sued for the killing of a dog or bitch, and his defense is under this act, he shall be a competent witness to prove the same.

1876.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 976.

AN ACT for the benefit of J. W. Walker, clerk of the Johnson circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Walker, clerk of the Johnson circuit court, be, and he is hereby, permitted to practice law in any of the courts of this Commonwealth except in the county of Johnson. In doing so he shall, however, be under all the restrictions and liabilities required of attorneys at law of this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 977.

AN ACT for the benefit of Joseph A. Stein, of Jefferson county.

WHEREAS, By some mistake of the assessor of tax of the county of Jefferson for the year 1873, certain real estate of Joseph A. Stein, of the city of Louisville, and said county of Jefferson, was erroneously assessed to the amount of fourteen thousand dollars, the revenue tax upon which sum amounted to sixty-three dollars, and which sum said Stein has been compelled to pay to the sheriff of Jefferson county; now, therefore, for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Joseph A. Stein for the sum of sixty-three dollars (\$63 00),

1876. payable out of any money in the treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 978.

AN ACT for the benefit of A. B. Gilbert, sheriff of Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. B. Gilbert, sheriff of Owsley county, have the further time until the first day of June, 1876, to collect and pay into the State Treasury the revenue due the Commonwealth from Owsley county for the year 1875: *Provided, however,* That the securities of said Gilbert, on his official revenue bond, in writing, in the Owsley county court, shall consent to said extension of time.

§ 2. This act to be in force from its passage.

Approved March 20, 1876.

CHAPTER 979.

AN ACT for the benefit of Thos. North, a pauper idiot of Boyle county.

WHEREAS, It appears from an examination of the records in the Auditor's office that Thomas North, a pauper idiot of Boyle county, from an oversight in his committee, in failing to have a reinquest held within the time required by law, did not draw his allowance for the year 1873; and whereas, it appears that said idiot is still living, and is a pauper; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury, payable out of any money in the Treasury not otherwise appropriated, to Charles A. Jones, committee for said Thomas North, a pauper idiot of Boyle county, for the sum of fifty dollars, for the benefit of said idiot.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 980.

1876.

AN ACT for the benefit of Nancy Fuel, an idiot of Boyle county.

WHEREAS, It appears from an examination of the records in the Auditor's office that Nancy Fuel, a pauper idiot of Boyle county, from an oversight in her committee, in failing to have an inquest held in the time required by law, did not draw her annual allowance of fifty dollars (\$50) for an interregnum from the 15th day of February, 1873, to 15th December, 1873; and whereas, it appears that said idiot is still living, and is still a pauper; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury, payable out of any money in the Treasury not otherwise appropriated, to J. England, committee for said Nancy Fuel, a pauper idiot of Boyle county, for the sum of forty-one dollars and sixty six cents, for the benefit of said idiot.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 981.

AN ACT for the benefit of John A. Thomas and others, of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John A. Thomas, W. L. Crabb, I. N. Guthrie, and Benjamin Warford, citizens of Shelby county, together with the hands in their employ, be, and they are hereby, exempted from road service in said county: *Provided, however,* That it shall be their duty to keep in repair the Fox Run and Clear Creek Turnpike Road, by working the same, under the same regulations under which dirt roads are now worked.

§ 2. This act shall take effect and be in force from its passage.

Approved March 20, 1876.

1876.

CHAPTER 982.

AN ACT to amend an act, entitled "An act to amend the charter of the Bagdad and Harrisonville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section third of an act, entitled "An act to amend the charter of the Bagdad and Harrisonville Turnpike Road Company, in Shelby county," be amended by striking out of the first line of said section the word "stockholders," and insert in lieu thereof the word "land-owners," and out of the third line of said section the words "residing with them."

§ 2. This act to take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 983.

AN ACT to incorporate the Elliston Station and Collins' Mill Turnpike Road Company, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby formed for the purpose of constructing a turnpike road from Elliston Station to Collins' Mill, both in Grant county, to be known by the name and style of the Elliston Station and Collins' Mill Turnpike Road Company, and by that name to be a body-politic and corporate.

Capital stock. § 2. The capital stock of said company shall be ten thousand dollars, divided into shares of twenty-five dollars each, to be paid for as follows, to-wit: Ten dollars on each share to be paid at the time of subscribing, and the balance in installments of five dollars each, payable at such times as the directors shall direct: *Provided*, That the subscribers shall have thirty days' notice of any such call.

Commissioners. § 3. The following named persons, to-wit: W. P. Elliston, Thos. A. Franklin, Jonathan Hegger, J. W. DeHart, and W. A. Dettit are hereby constituted commissioners, any two of whom may open books and receive subscriptions to the capital stock, which subscriptions shall be to the effect following, to-wit: "We, the subscribers, do respectively promise to pay to the Elliston Station and Collins' Mill Turnpike Road Com-

pany the sum of twenty-five dollars for each share of stock set opposite our names, at the times and in the proportions named in the act of incorporation of said company."

1876.

§ 4. When one hundred shares of stock are subscribed, the said commissioners, or a majority of them, shall notify the subscribers that a meeting will be held at a time not less than two weeks after such notice, and at a place to be specified in such notice, for the purpose of electing officers of said company; and at all elections each stockholder shall be entitled to one vote for each share of stock held by him or her upon which there may be no unpaid calls, which vote may be cast in person or by written proxy.

Election of officers.

When held.

One vote for each share of stock.

§ 5. The first election of officers of said company shall be held under the supervision of said commissioners, and the officers then elected shall hold their offices until the first Monday in September following, and until their successors shall be elected and qualified. All subsequent elections shall be held at a place to be fixed by the board of directors, and on the first Monday of September in each year. The directors may, however, by a majority vote entered upon their record, change the time of holding the annual election; but not to extend their own terms of office.

§ 6. The officers of said company shall consist of a president and five directors, who may choose a treasurer, who shall also be secretary, and may pay him such compensation as they may fix. They shall keep a record of all their proceedings, which record shall at all times be open to inspection of any stockholder upon application to the board or to the secretary.

Treasurer.

Compensation.

Shall keep record

§ 7. The width of said road shall not exceed fifty feet, not less than fifteen feet of which shall be covered with metal of macadamized stone.

Width of road.

§ 8. The said company, after it is organized, may receive further subscriptions to the capital stock.

§ 9. The said company may, so soon as organized, receive releases of right of way for said road, and ground for quarries and toll-houses; and may, by proceedings under the General Statutes, condemn land for right of way and for toll-houses and quarries.

May receive release of right of way, &c.

§ 10. That the president and directors shall locate said road upon the nearest and most eligible route, and shall fix its grades and elevations according to the general laws.

Location of route

1876.

When may let
out contract for
road.

§ 11. So soon as two thousand five hundred dollars shall have actually been paid in, the president and directors may let out for construction so much of said road as, in their opinion, may be constructed with said sum, and may continue constructing said road as further payments are received upon stock; and so soon as two miles of said road shall be completed, they may erect a toll gate and collect toll for that portion of the road at the rates prescribed in the General Statutes.

§ 12. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 984.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Bank of Commerce," approved March 6th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Louisville Bank of Commerce," approved 6th March, 1876, be, and the same is, amended by adding to the fourth section thereof the following, viz: And the promissory notes made payable at its banking-house or at any bank, and inland bills of exchange which may be purchased or discounted by it, shall be, and they are, placed on the same footing as foreign bills of exchange, and like remedy may be had thereon against the drawers, indorsers, and acceptors.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 985.

AN ACT to incorporate the Bethel and Eagle Valley Turnpike Road Company, Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, under the name and style of the "Bethel and Eagle Valley Turnpike Road Company," having in view the con-

struction of about six miles of road, on the macadamized plan, leading from Bethel Church on the Eagle Creek, Dallasburg, and Bethel Turnpike, along or near the road leading thence to Eagle Valley Landing, on the Kentucky river, near the mouth of Eagle creek; and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded; may have and use a common seal, and change or alter the same at pleasure.

1876.

§ 2. The capital stock of said company shall be eight thousand dollars, with the right to increase the same at pleasure, to be divided into shares of fifty dollars each, and each share shall entitle the holder to a vote in all meetings of the stockholders, and one vote each for every share he or they may hold in the election of the officers of said company, and for all other purposes.

§ 3. That W. F. Smith, W. H. Stribling, and J. T. Gentry are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock, payable in money or in work constructing the road, when and where expedient; and so soon as three thousand dollars of stock is subscribed, or its equivalent in work, by individuals, they shall give ten days' notice of the time and place of the meeting of the stockholders for the purpose of electing a president and directors of said company; and the management of the fiscal and prudential concerns of said company shall be confided to the president and directors of said company, and their successors in office, to be chosen annually, at such times and places as the stockholders may, from time to time, direct. The president and directors shall continue in office until their successors are elected and qualified.

§ 4. That no person shall be eligible as president or director who shall not at the time be the owner of at least one share of stock in his own right; and any president or director ceasing to be an owner of that amount shall cease to be president or director, as the case may be, of said company; and said board may at all times fill any vacancy that may occur in said board. The president and directors shall have power to appoint a treasurer, gate-keeper, and all officers necessary, or agents to perfect and carry out the object of this act; they shall have power to require of the treasurer and all the officers or agents a bond, and security, in such penalties as they

1876.

may, signed conditioned for the faithful performance of the duties incumbent on them as such.

§ 5. That said road shall be opened at least thirty feet wide, the width of the grade twenty feet, beside ditches, and the elevation thereof not to exceed six degrees. The president and directors of said company shall have the right, when one and one half miles of said road are completed, to erect a toll-gate, and receive and collect toll on the travel and transportation on said road at a rate of toll not exceeding that provided for in the Revised Statutes of Kentucky. .

§ 6. That in order to effect the building of said road, the president and directors shall have the right to procure the release of the right of way from any person or persons over whose land said road may run; and should any person or persons over whose land said road may run fail or refuse to release the right of way, they may institute the proper proceedings, in the proper court, in the county of Owen, in which the land lies, and have the same ordered and set apart for that purpose, in the same manner that public roads are now condemned, at the cost of the company.

Approved March 20, 1876.

CHAPTER 986.

AN ACT to incorporate Edgar Institute, Paris, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. M. Clay, Ed. Taylor, Matt. Turney, George M. Edgar, Wm. M. Hinton, L. H. Blanton, H. C. Buckner, and Buckner Woodford, elected trustees by the stockholders of Edgar Institute, organized under articles of incorporation entered into on the 29th of July, 1875, by R. T. Davis and others, as per record in the clerk's office of the county court of Bourbon, be, and they are hereby, constituted a body-corporate and politic, by the name of the Board of Trustees of Edgar Institute; and by that name may sue and be sued, plead and be impleaded, in all the courts of the Commonwealth; and by that name shall have power to use a corporate seal and change and alter the same at pleasure; but it shall not be necessary for said corporation to procure a corporate seal, but it may authenticate its acts by the signature and

seal of the president, attested by the secretary; shall have power to secure and hold, for the benefit of said Institute, any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, contract, or purchase, which the trustees may deem necessary for the use of said Institute, and to do and perform all such acts as the trustees or managers of any similar institution are permitted to do and perform, except as limited by the succeeding sections of this act.

1876.

§ 2. Should a vacancy at any time occur in said board of trustees or in any of its offices, such vacancy shall be filled by a vote of a majority of the board remaining in office, and the person thus elected shall serve until the next annual election by the stockholders.

§ 3. The board of trustees shall have power to appoint a principal, and, with the consent of said principal, such other professors and teachers as may be necessary to instruct the pupils of said Institute in the arts and sciences, and in all necessary and useful branches of a thorough and liberal education.

§ 4. The principal shall have power to regulate the course of studies, and, in connection with the board of trustees, to confer upon graduates of said Institute such diplomas, honors, and degrees, as evidence of scholarship, as are usual in the high schools and colleges in this Commonwealth.

§ 5. The provisions of this act are designed to enlarge the powers of the aforesaid corporation, and in no way to abrogate or annul the articles of incorporation heretofore entered into by the said corporators.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 988.

AN ACT to authorize the trustees of South Carlton to work roads and streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of South Carlton are hereby authorized to improve and work the streets and roads in said town; and for said purpose shall require all persons within said town limits between the age of eighteen and forty-

1876. five to work on same, and be subject to all general laws in this Commonwealth in relation to working public highways.

§ 2. This act to take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 989.

AN ACT to change the time of holding the Owenton police court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of the Owenton police court for the trial of civil cases shall be held on the third Mondays in February, May, August, and November of each year.

§ 2. This act to take effect from and after March 20th, 1876.

Approved March 20, 1876.

CHAPTER 990.

AN ACT to incorporate the Minneola and Anderson Ferry Turnpike Road Company, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, formed, by the name of the Minneola and Anderson's Ferry Turnpike Road Company, and by that name and style shall have corporate existence, and be a body-politic, and as such and in that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts and places in this Commonwealth; to have and use a common seal, and break, alter, or change the same at pleasure; and do all acts which such bodies-corporate may do not inconsistent with the general laws of the State, or forbidden thereby, and which may be necessary or fit to enable said corporation to execute the powers hereinafter granted. Said company is created for the purpose of constructing a turnpike road from Wm. H. Walton's gate, near the school house, to intersect the Dry Creek and Mitchellsville Turnpike Road, near Anderson's ferry.

§ 2. The capital stock of said company shall be five thousand dollars (\$5,000), to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty-five dollars (\$25) each.

1876.

§ 3. That Alonzo Gaines, Jas H. Walton, Geo. W. Anderson, and T. Jeff McNeal are hereby appointed commissioners, whose duty it shall be to open books of subscription of stock at such places as said commissioners may designate; and as soon as four thousand dollars of stock is subscribed the stockholders may proceed to organize by electing a president and four directors; but the said election shall be advertised at least ten days, by printed or written notices, of the time and place of holding said election. Said officers shall hold their offices for one year, or until their successors are duly elected and qualified; and an election shall be held annually of officers of the said company at such time and place as may be fixed by the board of directors. The president shall have power to appoint a treasurer, and may remove him at pleasure, and shall require of him a bond, with good security, conditioned for the faithful discharge of all his duties.

§ 4. The president and directors shall have the power of appointing a gate-keeper, and all other officers or agents deemed necessary to effect the purpose of this act, and to remove the same at pleasure. They shall have power to require of all officers or agents appointed by them bond and security in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such.

§ 5. The president and directors shall have power to locate and lay out said road, and have power to acquire the right of way for said road, and of earth, stone, and timber for its construction, by voluntary concession and release, or by private contract with the land-holders: *Provided, however,* If the right of way and the material cannot be had as herein indicated, it shall be obtained in the manner and mode prescribed by an act of the General Assembly of the Commonwealth of Kentucky, 22d of February, 1836, for condemning lands and materials for the construction of turnpike roads, bridges, &c., and which act of the Assembly is hereby adopted as part of this charter, and to be as effectual as if the same was here inserted at full length.

1876. § 6. That said commissioners, or their successors, shall have power to collect all other subscriptions of stock as other debts are collected.

§ 7. The company shall have power and authority, in the construction of said road, and the repairs on same, to fix the width, and manner of construction of its grade, and whatever else may appertain to such construction.

§ 8. That whenever the road is graded and bridged, the company may erect a toll-gate, and charge tolls thereat at a rate not exceeding one half that is now authorized by law on roads made under the general turnpike laws of the State; and when one mile or more is completed, the company may charge the full rate of toll now authorized by the General Statutes on so much as is completed.

§ 9. When a stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, to issue certificates of stock to all persons entitled to the same, attested by the secretary of said company.

§ 10. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 991.

AN ACT for the benefit of G. P. Rose and J. L. McCarty, late sheriffs of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years from and after the 1st March, 1876, is hereby given to G. P. Rose and J. L. McCarty, late sheriffs of Whitley county, in which to collect and distrain for their fee-bills and the uncollected taxes due them as sheriffs as aforesaid; and they are subject to all the penalties and restrictions as now provided by law for illegally distraining for and collecting fee-bills and taxes.

§ 2. Said Rose and McCarty may list their uncollected taxes and fee-bills with the sheriff or any constable of Whitley county, for collection; and said sheriff or constable is empowered to collect the same.

§ 3. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 992.

1876.

AN ACT for the benefit of John S. Geiger, late presiding county judge of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years from the date of this act be granted John S. Geiger, late judge of the Union county court, for the collection of fee-bills, and that during the said two years he shall have power to distrain for the collection of the same: *Provided, however,* That he shall not be relieved from the pains and penalties attached to the collection of illegal fee-bills as provided in the General Statutes.

§ 2. This act to take effect from its passage.

Approved March 20, 1876.

CHAPTER 993.

A BILL to incorporate the Louisville and Paducah Railroad Company.

WHEREAS, There is now pending in the circuit court of the United States for the District of Kentucky, at Louisville, certain causes in equity, the object of which is to foreclose certain mortgages upon the property, rights, and franchises of the Louisville, Paducah, and Southwestern Railway Company; and whereas, it is expected that the said property, rights, and franchises of said railroad company will be sold under decree of said court; and whereas, it is represented that the holders of mortgage bonds are willing to make some arrangement with stockholders whereby some interest in the property, rights, and franchises of said railroad company may be saved to said stockholders; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That L. M. Flournoy and Q. Q. Quigley, of the county of McCracken; F. H. Skinner and W. B. Machen, of the county of Lyon; R. B. Ratcliff and Hugh McNary, of the county of Caldwell; J. H. Reno and F. B. Hancock, of the county of Muhlenburg; Evan Rogers and W. L. Conklin, of the county of Grayson; A. M. Brown and Robert Murray, of the town of Elizabethtown; Chas. D. Jacob and Jas. Trabue, Corporators.

1876.

Common seal.

of the city of Louisville, be, and they are hereby, created into a body-corporate and politic, with power to sue and be sued, contract and be contracted with, to have and use a common seal, and to transact a general railroad business, under the corporate name of the Louisville and Paducah Railroad Company.

May purchase the rights, franchises, &c., of the Louisville, Paducah, and Southwestern Railroad Company.

§ 2. That the corporation created by this act is hereby authorized and empowered to purchase, own, use, enjoy, and operate the property, rights, and franchises of the Louisville, Paducah, and Southwestern Railroad Company from any purchaser or purchasers thereof at the decretal sale thereof referred to in the preamble of this act, upon such terms as may be agreed upon; and upon the consummation of said purchase by the corporation hereby created, it shall become fully invested with all the chartered rights and privileges of the said Louisville, Paducah, and Southwestern Railroad Company as conferred by the charter and amendments thereto.

May issue and sell bonds.

§ 3. In order to enable the corporation created by this act to complete said purchase and pay the consideration agreed upon, and to operate and maintain said railroad, it shall be lawful for it to borrow money; to issue and sell mortgage bonds, providing for priorities among said bonds and mortgages as it may deem best, agreeing to pay interest at a rate not exceeding eight per cent. per annum, payable half yearly, bonds having not longer than thirty years to run; and may secure the same by mortgages having the priorities deemed best, upon the income or property, rights, and franchises of the company; may issue and sell preferred stock, agreeing to pay interest thereon not exceeding six per cent. per annum, payable half yearly, out of earnings, after operating expenses and interest on bonded debt have been paid, sufficient to pay debts of the Louisville, Paducah, and Southwestern Railroad Company due for construction and operation, which have been adjudged to have no lien upon its property, rights, and franchises; also to issue and sell common stock on terms and prices to be fixed by stockholders; but the purchase contemplated by this act shall only be consummated upon terms which will admit the old stockholders of the Louisville, Paducah, and Southwestern Railroad Company, whether counties, cities, towns, or individuals, as stockholders in this corporation, to the same number of shares held by them

How payable.

1876.

respectively in said Louisville, Paducah, and Southwestern Railroad Company, and without any further payment therefor; and the company hereby created may pay the prices agreed to be paid for the property, rights, and franchises of said Louisville, Paducah, and Southwestern Railroad Company in such mortgage bonds, on terms and at prices to be agreed upon, and may contract to allow the holders of said bonds so used to vote the same at all meetings of stockholders as if common stock, each one hundred dollars in bonds entitling the holder to one vote, which privilege of voting said bonds shall be extended for such time, and on such terms and conditions, as may be agreed upon.

§ 4. It is expressly enacted and provided that this charter is granted only for the purpose of enabling those in interest to reorganize and carry out the original design; and if the purchase contemplated herein is not effected within three years from the passage of this act, then this act expires and becomes of no effect.

§ 5. The persons named herein as incorporators are hereby declared to constitute a board of directors for this company for one month after the formal organization of the company, and they have the power to elect a president, secretary, and such other officers and agents as they deem proper; and said incorporators are also appointed commissioners to represent and vote the stock owned and to be owned by the counties, towns, and cities from which they are named in the first section of this act. After the expiration of said month, directors shall be elected as provided in the charter of said Louisville, Paducah, and Southwestern Railroad Company and amendments. If any of said incorporators fail to act or cease to act from any cause, the county courts of the several counties shall fill such vacancies, and the mayor and council of Louisville shall in like manner fill vacancies occurring among the incorporators representing them respectively.

Directors.

Officers.

Election of directors.

Vacancy—how filled.

§ 6. No further or additional tax shall be voted by counties having stock in said company, for the purpose of subscribing to the capital stock of said company.

No additional tax to be voted.

§ 7. The commissioners of the sinking fund in the counties having stock in said company shall be appointed by the court of claims of the several counties.

1876. § 8. That should the purchasers of the property, rights, and franchises of said Louisville, Paducah, and Southwestern Railroad Company agree to such terms as will admit the stockholders in said company as stockholders in the company hereby created, then the State of Kentucky hereby releases all claims to taxes past due.

§ 9. This act to be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 994.

AN ACT to incorporate Halsell's Female Seminary, in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. J. M. Halsell, and his successors in office, be and they are hereby, constituted a body-politic, under the style and name of the "Trustees of Halsell's Female Seminary;" and by that name shall have perpetual succession; may adopt and use a common seal, and the same alter or change at pleasure; said Halsell, and his successors, shall have power to confer any diploma or token of merit which are now by law allowed to be conferred by the best chartered colleges and seminaries of learning in the land; and diplomas heretofore conferred from said seminary are hereby legalized and placed upon the same footing with those which may hereafter be conferred under and by virtue of this act.

§ 2. This act shall be in force from its passage.

Approved March 20, 1876.

CHAPTER 995.

AN ACT for the benefit of school district No. 1, Allen county.

WHEREAS, In the Scottsville district, Allen county, there are two good schools taught under the free school system; and whereas, the citizens and patrons are desirous of doing equal justice to all;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be lawful for the county commissioner to pro rata the free school money that said district

is entitled to draw equally to the pupils taught in each school. 1876.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 996.

AN ACT to incorporate the William Garth Collegiate Institute, Paris, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Ferguson, Joseph Mitchell, J. J. Ireland, Ben. F. Bedford, jr., B. F. Pullen, Charles Stephens, Henry. Spears, D. E. Turney, W. E. Simmons, W. H. Wainright, C. E. Young, elected trustees by the stockholders of the William Garth Collegiate Institute, organized under articles of incorporation entered into on the 27th of July, 1875, by Robert T. Davis and others, as per record in the clerk's office of the county court of Bourbon, be, and they are hereby, constituted a body-corporate and politic, by the name of the Board of Trustees of the William Garth Collegiate Institute; and by that name may sue and be sued, plead and be impleaded, in all the courts of the Commonwealth; and by that name shall have power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for the said corporation to procure a corporate seal, but it may authenticate its acts by the signature and seal of the president, attested by the secretary; shall have power to secure and hold, for the benefit of said Institute, any lands, tenements, hereditaments, moneys, or choses in action, by gift, donation, devise, contract, or purchase, which the trustees may deem necessary for the use of said Institute; and to do and perform all such acts as the trustees or managers of any similar institution are permitted to do and to perform, except as limited by the succeeding sections of this act.

§ 2. Should a vacancy at any time occur in said board of trustees, or in any of its offices, such vacancy shall be filled by a vote of a majority of the board remaining in office; and the person thus elected shall serve until the next annual election by stockholders.

1876.

§ 3. The board of trustees shall have power to appoint the president, and, with the consent of said president, such other professors and teachers as may be necessary to instruct the pupils of said Institute in the arts and sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education.

§ 4. The president shall have power to regulate the course of studies, and, in connection with the board of trustees, to confer upon graduates of said Institute such diplomas, honors, and degrees, as evidence of scholarship, as are usual in the high schools and colleges of this Commonwealth.

§ 5. The provisions of this act are designed to enlarge the powers of the aforesaid corporation, and in no way to abrogate or annul the articles of incorporation heretofore entered into by the said corporators.

§ 6. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 997.

AN ACT to incorporate the Corydon Lodge, No. —, Colored Benevolent Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That Wesley Dorsey, Western Gibson, Henry Busby, Charlie Polk, Smith Thomas, Simpson Garland, Wm. Barnett, Stephen Dixon, and their associates and successors, be, and they are hereby, created a body-corporate and politic, by the name and style of Corydon Lodge, No. —, Colored Benevolent Society; and as such shall have perpetual succession; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all the courts of law and equity in this Commonwealth.

May acquire and hold real and personal estate.

§ 2. Said corporation may have a common seal, and may alter, change, or break the same at pleasure; they may acquire and hold real and personal estate necessary for the purposes of their association, not exceeding ten thousand dollars; and may sell, mortgage, or otherwise dispose of the same, from time to time, as they may deem proper.

May make by-laws, &c.

§ 3. They may make and ordain a constitution and by-laws for their government, and may change, alter, or amend

the same at pleasure; and those now in force in said lodge may by them be continued or altered as they may see fit. Nothing therein contained, however, shall be inconsistent with the laws of this State or of the United States. 1876.

§ 4. The affairs of said lodge shall be managed by such officers as they may, from time to time, elect or appoint.

§ 5. The right to amend or repeal this act is hereby reserved to the General Assembly.

§ 6. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1001.

AN ACT for the benefit of Z. Tyree, late common school commissioner for Carter county.

WHEREAS, Z. Tyree, late common school commissioner of Carter county, in his report of the census of the children in various school districts of Carter county to the Superintendent of Public Instruction for the school year ending 30th June, 1875, through inadvertence, failed to report the whole number of children in several of the school districts of said county, and by reason of such failure a proper distribution of the school funds was not made to districts Nos. 1, 7, 12, 18, 19, 25, 27, 29, 30, 31, 35, 37, 44, 50, 55, 57, and said Z. Tyree, as commissioner, having failed to report one hundred and fifty-five children in said districts reported to him by the trustees of said several districts; to remedy which,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed and authorized to draw his warrant on the Treasury of the Commonwealth for three hundred and three dollars and eighty cents (\$303 80), in favor of Z. Tyree: *Provided*, That the payment be made out of the surplus bond fund belonging to the county of Carter.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

1876.

CHAPTER 1002.

AN ACT for the benefit of John C. Broadhead.

WHEREAS, The General Assembly of Kentucky passed an act in the year 1869, approved March 16th, authorizing the Governor to employ a competent engineer to survey that part of Cumberland river lying between the town of Williamsburg and the mouth of Laurel river, and report to the next General Assembly what obstructions there are in the way of navigation of said river, and the probable cost of removing said obstructions, and the advantages to be derived by the State by said removal, &c.; and whereas, in pursuance of said act, John C. Broadhead, Esq., was employed by the Governor to carry out said act, and reported his act and doing to the General Assembly of 1869-70, and presented his bill for the work as provided for by said act, to-wit: the sum of two hundred and fifty dollars, which sum, or any part thereof, has never been allowed said Broadhead.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasury for one hundred and seventy-five dollars, in favor of John C. Broadhead, for making said survey and report.

§ 2. That this act be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 1003.

AN ACT to amend the charter of the Kentucky Central Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter in all elections by the Kentucky Central Railroad Company, or by the stockholders thereof, the stockholders shall each be entitled to one vote for every share of stock held by such stockholder thirty days before the election; and an act to amend the charter of the Covington and Lexington Railroad Company, approved November 24th, 1851, be, and the same is hereby, repealed, in so far as it applies to the Kentucky Central Railroad Company.

§ 2. That the Kentucky Central Railroad Company shall be authorized and empowered, by the vote of the holders of three fourths of the capital stock thereof, at any regular or called meeting of the stockholders of said company, to purchase any railroad or railroads chartered by the General Assembly of the Commonwealth of Kentucky, connecting with said Kentucky Central Railroad, or to subscribe to or for the capital stock, in whole or in part, of said railroad or railroads. In the event of a purchase of, or a subscription to or for stock in, any such railroad or railroads by the Kentucky Central Railroad Company as herein authorized, the said Kentucky Central Railroad Company shall be, and is hereby, authorized to pay for the same in money, stock, or bonds; and in order to make provision therefor, the said company shall be, and is hereby, authorized and empowered, with the consent of the holders of three fourths of the capital stock thereof, to increase its capital stock, or to issue bonds in amount sufficient to pay for the same, payable at any period not exceeding thirty years after the date thereof; said bonds may be made payable in or out of Kentucky, and shall bear an annual interest of not more than seven per cent. per annum, payable semi-annually, and may be sold for an amount less than par, if deemed advisable by the company. To secure the prompt payment of said bonds, the Kentucky Central Railroad Company is hereby authorized and empowered to give and execute a mortgage lien upon the property, franchises, rights, and credits of said corporation, and pledge the same as a security for said loan or bonds of said corporation issued for the purposes aforesaid; and all bonds made or issued by said corporation for the purposes aforesaid shall be binding and obligatory.

1876.

May purchase or subscribe stock in other railroads

How payable.

May issue bonds.

Rate of interest.

May execute a mortgage lien.

§ 3. That any and all called meetings of the stockholders of the company, called or held for the purposes contemplated by the second section hereof, shall be advertised in one of the newspapers published in Cincinnati, Ohio, and also in at least three of the newspapers published in Covington, Cynthiana, Paris, and Lexington, Kentucky, by weekly insertions for the four weeks next preceding that in which such called meeting is held.

Meetings to be advertised.

§ 4. That said Kentucky Central Railroad Company may subscribe or otherwise aid in other modes deemed advisable in

May aid in building turn-pikes, bridges, &c.

1876. building turnpikes or bridges abutting upon said railroad, or adjacent thereto, which reasonably may be deemed feeders to said road. Laborers upon said road, and persons injured in person or property, shall have a lien upon the rolling stock of said road prior to any mortgage.

Laborers and persons injured shall have lien on rolling stock.

§ 5. That this act take effect from its passage.

Approved March 20, 1876.

CHAPTER 1004.

AN ACT for the benefit of Henry and Hardin counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judicial officers shall have the right to protect the banks and streams of said counties, and so much of Senate bill No. 340 as applies to said counties is hereby repealed, and that the provisions of this bill shall apply to Carroll county.

§ 2. This act shall take effect the first day of April, 1876.

Approved March 20, 1876.

CHAPTER 1005.

AN ACT to prevent hogs from running at large upon the streets and alleys of the town of Williamsburg, Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful to permit hogs to run at large upon the streets of the town of Williamsburg, in Whitley county.

§ 2. That any person owning hogs who shall permit them to run at large upon the streets of the town of Williamsburg, in Whitley county, shall be fined not less than five nor more than twenty-five dollars, and be liable to pay all damages committed by them, to be recovered in any court having jurisdiction of the case.

§ 3. This act shall be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 1006.

1876.

AN ACT to change the time of holding the quarterly courts for the county of Madison.

WHEREAS, By existing special laws, the quarterly courts of Madison county are now held in months other than those prescribed in the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts of said county shall be held in the months and in the manner prescribed in the first clause of section seven, article thirteen, chapter twenty-eighth, of the General Statutes, and all laws inconsistent with the provisions of this act are hereby repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1007.

AN ACT to pay jurors summoned by order of the Lincoln county court to try the right of way on the Cincinnati Southern Railway.

WHEREAS, By virtue of an act of this General Assembly of Kentucky, approved on the 13th day of February, 1872, authorizing the trustees of the Cincinnati Southern Railway to maintain within the Commonwealth of Kentucky a line of railway, the judges of the several county courts of the counties through which said line of railway might be projected were directed, on the application of said trustees, to open their courts and cause a panel of jurors to be summoned to try the issues involved in the proceedings instituted by said trustees, to condemn lands for location of said road; and whereas, it is represented to this Legislature that, in pursuance to said act, and on the application of said trustees, a county court was held in the county of Lincoln, beginning on the — day of February, 1874, and ending on the — day of February, 1874, to which court a panel of twenty-four jurors were summoned by an order of the judge of said court, and which panel served during the session of said court, and were allowed by an order of said court at the rate of two dollars per day for each day's service, to be paid by the trustee of the jury fund for said county, which officer refused to obey

1876. said order, because of the want of power in said court to make the same; and whereas, said jurors have remained and are wholly unpaid; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustee of jury fund for Lincoln county be, and he is hereby, directed to pay to said jurors, out of the jury fund now in his hands, or that may come into his hands, the amount due said jurors as evidenced by the order-book for February, 1874, of the Lincoln county court; and their receipts to him shall be vouchers for him in his official settlement with the Auditor of Public Accounts.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1011.

AN ACT to amend the charter of the city of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fourteen of article three of the act mentioned in the title, which was approved March 5, 1870, and entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," be, and the same is hereby, repealed, and that the following be, and is hereby, enacted in lieu of said section, to-wit: "Sec. 14. All bona fide male residents of the city of Hopkinsville, and none others, who are lawfully competent to vote for county judge and sheriff of Christian county, shall be entitled to vote for judge of the Hopkinsville city court and for marshal of the city of Hopkinsville. No person shall be entitled to vote in any election for councilmen in said city who does not possess the qualifications of electors of city judge and marshal as to age and citizenship, and who has not resided in said city one year, and in the ward in which he offers to vote sixty days next preceding the election, and who owes any tax to said city on any assessment made against him or his property within the city previous to the year in which the election at which he offers to vote is held."

Who are legal voters.

1876.

§ 2. That section one of article five of said act as amended March 6, 1871, be amended by adding thereto the following, to-wit: "And the marshal of the city of Hopkinsville shall be re-eligible for a second term; but, after the expiration of the second term, he shall not be re-eligible or act as deputy for the succeeding term."

Marshal not eligible for a third term.

§ 3. That section fifteen of article six of said act be, and the same is hereby, so amended as to require the auditor and treasurer of said city to exhibit the fiscal statement required by said section at the regular meeting of the board of councilmen in the month of January in each year, which statement shall be for the year ending the last day of December previous to said regular meeting of said board.

Auditor and treasurer to make fiscal statement.

§ 4. That hereafter the regular election of members of the board of councilmen shall be held on the second Saturday of December in each year; and the persons then chosen shall enter upon the duties of their office on the first Tuesday in January succeeding the election, and shall continue in office one year, and until their successors are elected and qualified: *Provided*, That the present members of the board of councilmen of said city shall continue in office, with full authority to act as such, under the charter of said city and the laws of this Commonwealth, until their successors are elected and qualified as herein provided.

Election of councilmen — when held.

Term of office.

Proviso.

§ 5. That, in addition to the qualifications now prescribed for the eligibility of persons as members of the board of councilmen of said city, no person shall be eligible as councilmen of said city who is not the owner, bona fide and in his own right, of real estate in said city of not less value than one thousand dollars.

Councilman to be eligible must be property-owner.

§ 6. That section thirteen of article three of said act be amended by adding thereto the following subsection, to-wit: "51st. The board of councilmen shall also have the power to appoint a street commissioner, and to prescribe his duties, fix his compensation, and provide for the payment of the same."

Street commissioner—how appointed.

§ 7. The city marshal of Hopkinsville, or other person who may collect the taxes due said city, shall receive the same compensation therefor which is or may, for the time being, be allowed to sheriffs for collecting the State revenue, and no other or greater compensation shall be allowed him therefor.

Compensation of marshal or collector of taxes.

1876.

§ 8. The marshal shall be allowed for other services the same fees and commissions which are allowed to constables for similar services by the General Statutes, and he shall receive no other salary or compensation for his services, except as provided in this and the last preceding section. But it is not intended hereby to prevent the employment of said marshal by the board of councilmen as a policeman, at a reasonable salary.

§ 9. This act shall take effect from its passage, except sections seven and eight (7 and 8), which shall not take effect until the first day of January, 1877.

Approved March 20, 1876.

CHAPTER 1013.

AN ACT to provide for the improvement of public roads in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of each surveyor of roads in Hart county to give, or cause to be given, in writing, to each road hand in his district, at least two days before the time of working his road, the time and place of meeting and working said road, which may continue from day to day until said road shall be put in good condition.

§ 2. No hand shall be entitled to a credit of one day's work unless he shall have faithfully worked with a suitable implement ten hours, and so on for each day's work he is required to work upon the road in his district.

§ 3. Said surveyors of roads shall be required to attend in person upon the road workings in their several districts, and see that each hand perform the work faithfully for the time required of him. Said surveyors shall each receive as a compensation for their services the sum of seventy-five cents for each day they may necessarily be engaged in the discharge of their duties in warning in and overseeing said hands in the working of said roads, to be paid out of the fines assessed against delinquents or those who fail to work on said roads; and for each and every failure to perform the duties imposed by this act, they shall each be fined in the sum of two (\$2) dollars by any court of said county having competent jurisdiction, and to be collected as such fines are provided for by law.

§ 4. Nothing in this act shall be construed as repealing the road laws of the State as they exist in the General Statutes; but all the general road laws of said statutes shall remain in full force and effect in the county of Hart, except such as come in conflict with this act.

1876.

§ 5. This act shall be in force from its passage.

Approved March 20, 1876.

CHAPTER 1014.

AN ACT to incorporate the town of New Campbellsburg, in Henry county, Kentucky.

§ 1. That the town of New Campbellsburg, in Henry county, be, and the same is hereby, incorporated, with such boundaries, streets, or alleys, and such other public grounds, as may be laid out and defined by the trustees in a plat of survey of said town, which plat and survey, when made, shall be recorded in the county court clerk's office.

§ 2. That Chilton Scott, A. P. McCallister, Griffin Sams, Jo. T. Campbell, and W. A. Tinker are hereby appointed trustees of said town, who shall hold their office until the first Monday in August next, at which time, and annually thereafter, there shall be an election by the qualified voters of said town of five trustees to serve for one year, and until their successors are duly elected and qualified.

§ 3. That said trustees shall take an oath before some justice of the peace of Henry county, before they enter upon the duties of their office, that they will faithfully and to the best of their ability perform the duties of trustees of said town, in addition to the oath required by the Constitution of this State.

§ 4. That the trustees of said town shall cause a survey and plat of said town to be made out, defining the limits of said town, the streets, alleys, and other public grounds, as they may determine on, the depot in said town being the center, one copy of which shall be recorded as aforesaid, one copy to be retained by the board of trustees.

§ 6. That said trustees, and their successors in office, shall be a body-politic and corporate, and known by the name and style of the board of trustees of New Campbellsburg, and by that name be capable of contracting and being contracted

1876.

with, of suing and being sued, of pleading and being impleaded, in all of the courts of this Commonwealth; that said trustees may have and use a common seal, which they may alter at pleasure. All shall have all the powers and privileges, and be subject to the same duties and liabilities, as is provided by the general law in relation to towns incorporated in this Commonwealth.

§ 6. That at the election of trustees on the first Monday in August next, there shall be a police judge and town marshal elected for the town of New Campbellsburg, the police judge for the same term as county judges, the marshal for the same term as constables: the jurisdiction of the police judge shall be in civil cases the same as that of justices of the peace, and in misdemeanors and powers to hold examining courts the same as that of a justice of the peace, and his fees shall be the same. The marshal shall have concurrent jurisdiction with constables, and his fees shall be the same as constables for like services.

§ 7. That all male persons of the age of twenty-one years, and living within the said town limits, and being otherwise a legal voter, shall be entitled to vote for officers of said town; and said trustees shall have the power to levy and collect an annual tax of not exceeding twenty-five cents on each hundred dollars' worth of property in said town, and a poll-tax not exceeding two dollars on each voter, to defray the current and necessary expenses of said town. (But when farming lands are included within said corporation, only five acres of any one individual's lands shall be assessed.)

§ 8. That the trustees of said town shall have the power to license hotels, coffee-houses, groceries, or other places where spirituous liquors may be sold, and shall have the power to collect from any person or persons to whom they have granted such privilege an annual tax not exceeding one hundred dollars, the tax always to be paid in advance. The trustees shall have the power to prescribe the rules for the government of such saloons, coffee-houses, &c., and may at any time, for a violation of the rules, suspend such persons from the right to sell or vend spirituous liquors. The applicants for the license provided for in this section shall pay the State taxes, and give bond as required by law. Nothing in this act shall be construed to allow any per-

son to hold the office of trustee or police judge who may sell spirituous, vinous, or malt liquors, on the submission of the question known as local option law. 1876.

§ 9. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1015.

AN ACT to amend the charter of the city of Newport, creating medical districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the city of Newport be, and the same is hereby, divided into three medical districts, to be known and designated as the First, Second, and Third Medical Districts. The first and second wards in said city shall constitute the first district, the third and fourth wards the second district, and the fifth and sixth wards the third district.

§ 2. There shall be elected in each of said districts a physician, who shall be a resident of the district, and shall be subject to the same restrictions, perform the same duties, be elected in the same manner, and at the same time, as the city physician is now required to be elected by law.

§ 3. Each of said physicians so to be elected shall receive a reasonable compensation for their services, to be allowed by the city council, not exceeding two hundred dollars in each district.

§ 4. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1016.

AN ACT for the benefit of Jacob Howerton, of Lee county.

WHEREAS, Jacob C. Howerton was ordered by the Lee county court to take charge of and carry to the Lexington lunatic asylum William Riddle, a pauper lunatic of said county; now, therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Jacob Howerton be allowed the sum of twenty-six dollars and seventy cents, and the Auditor shall draw his warrant on the Treasurer for said amount out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 1017.

AN ACT to incorporate the Calloway Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. F. Hamlin, J. N. Williams, G. A. C. Holt, J. P. Holt, Joel H. Curd, and J. J. Head, and their successors, be, and are hereby, created a body-politic and corporate, under the name of the "Calloway Agricultural and Mechanical Association;" and they shall act as a board of directors for said corporation until their successors are elected and qualified as hereafter specified. Said association shall have a seal, and have the right to sue and be sued, plead and be impleaded, in all the courts of this Commonwealth, and transact the business embraced by this act as a natural person.

Corporators. Name and style. Common seal. Corporate powers.

§ 2. Said directors or any two of them may, at any time within five years after the passage of this act, open a book for the subscription of stock to said association, in shares of twenty-five dollars per share. Said subscription shall be open to any citizen of said county; and any person who shall subscribe for one or more shares of stock in said association, and have his name entered on the stock book of said association, together with the number and amount of his shares, thereby become and be a member of said association, and shall remain such member until he ceases to own such share or shares according to the by-laws of said association. Each member of said association shall be a director thereof; and the said association shall be entirely and exclusively managed and controlled, together with all its property, rights, and franchises, by said members, who, when in meeting under the provisions of the by-laws thereof, shall be, and be called, the "Board of Directors."

Subscription to stock—how received. Each member a director.

§ 3. After said subscription book shall have been so opened, and shares to an amount of not less than five thousand dollars subscribed and entered on said book by said directors, and ten per cent. of said subscribed shares paid in to said directors, then said association may elect a president, secretary, and treasurer; but no person shall be eligible to either of those, or any other office in said association, unless actually members thereof. The period, terms, and tenures of said offices, and all other offices, and their duties, powers, and liabilities, and the times, mode, and manner of elections, all may be fixed by the by-laws. No person shall vote and take part in any of the proceedings of said association, except the members qualified as in section two, and each member shall cast one vote for each share of stock owned by him, and may cast his vote in person or by proxy. In all meetings of the members or board of directors of said association, and in the enactment of by-laws and all other proceedings affecting said association, a majority of the votes cast shall rule.

1876.

When may elect officers.

Who eligible.

Term of office.

One vote for each share.

Majority to rule.

§ 4. After said opening of the stock book for subscriptions, and the subscription of the amount, and election of said officers as provided in sections three and four, said association shall thereby be organized for all business; and the board of directors are hereby empowered to enact such by-laws as may be necessary to perfect and carry out the rights and powers granted in this act, and such by-laws as may be of benefit to said association, which by-laws shall be conclusive and binding on said association, its members, and all persons holding property, claiming under, or doing business for said association. It shall be the duty of the secretary to keep the books of said association correctly and truly, and all records and entries on said books, or copies thereof, duly signed and certified under the seal of said association, shall be entitled to the same faith and credit as the records of the courts of record of this Commonwealth as between said association and its members, or persons claiming or exercising powers under said association, or its members, or doing business for it.

When may proceed to business.

May make by-laws, &c.

Secretary—his duty.

§ 5. Any number of directors owning or representing a majority of the stockholders in interest and number of shares shall constitute a quorum to transact business, pass by-laws, or enact any measures in relation to the association.

Quorum—how constituted.

1876.

Capital stock.

§ 6. The capital stock of said association shall consist of not more than twenty-five thousand dollars, and to that amount it may issue its stock certificates in shares or bonds of twenty-five dollars each, as before mentioned; but the board of directors may, at any time after the expiration of one year from the passage of this act, if they deem it necessary, by a by-law enacted at a regular meeting of the board of directors, increase said capital stock to the sum of fifty thousand dollars, and issue and sell, mortgage or pledge, shares therefor, of the same kind and denomination as the first shares issued.

May acquire and hold land.

May erect buildings, &c.

May convey or lease their property.

§ 7. The said association shall have power to receive, own, and possess, by gift, devise, purchase, or any kind of contract, any land in the vicinity of the town of Murray, in this Commonwealth, or elsewhere, for the purpose of establishing, erecting a fair ground, exhibition grounds, and construct suitable buildings and improvements thereon. Said association shall have power to prepare all necessary trotting or racing tracks, arenas, stables, booths, and any kind of buildings that they may have need or use for; and shall have the power to sell and convey, either in fee simple or for any length of time, or lease or rent, any of their property, real, personal, or mixed, as a natural person. But this is not to be so construed as to allow gambling, or any violation of the present liquor laws of this Commonwealth.

May build and use a warehouse.

May establish business offices.

May establish factories.

§ 8. Said association shall have power to build and use a warehouse for the reception, storage, and sale of any kind of agricultural products or manufactured articles; and may establish offices as well as said warehouses, or may buy, build, or establish factories or machinery of any kind for manufacturing tobacco, or prizing, stemming, or stripping the same, or manufacturing cotton, or the carrying on of any other kind of mechanical industry that they may see proper; and may establish offices for the transaction of any of their business on the Tennessee river, or elsewhere, as they may see proper: *Provided*, That the aggregate of all of such fair ground, warehouses, offices, and all of their property and stocks, bonds, money of all kinds, shall not exceed in value more than the amount of the capital in this act allowed to be invested in said association.

§ 9. Said association shall have the right to establish a co-operative commission or store-house for the shipping or buying or selling of goods, wares, and merchandise, or personal property of any kind; and it may make advancements of money to its members upon such terms, and on such personal property as may be hypothecated, and at such rate of premium as may be agreed on in writing, and shall have such lien on any property on which such advancement is made, and may enforce the same according to the said contract of the parties.

1876.

May establish commission or store-house.

§ 10. All the profits and losses of the association growing out of any and all of its business shall be shared justly and equally by all of its members, according to the number of the shares of said association, and under the by-laws thereof, which they may own.

Profits and losses to be shared equally.

§ 11. No share of the stock of said association, or part thereof, shall be liable in any way for any debt of such shareholder created after his subscription therefor; nor shall the property of any kind or stock or capital of said association be liable for any tax or bonus of any kind, either State, town, city, municipal, county, railroad, or other tax, except a tax of fifty cents on each one hundred dollars of its issued stock, which shall be assessed, collected, and paid into the State Treasury as other State revenue.

Stock not subject to debt.

Property exempt from taxation.

Proviso.

§ 12. Any officer of said association who shall embezzle any of the money or property of said association, or appropriate the same to his own use in violation of the by-laws of said association, shall be deemed guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years. And the books of said association shall be open to the inspection of any member thereof at any time whatever.

Embezzlement—how punished.

§ 13. Said association shall have the right to lease or sell any or all of its lands, houses, stocks, notes, choses in action, rights, and franchises whenever it may deem proper, and its lessee, vendee, or purchaser shall have the same rights and powers as were had and possessed by said association at the time of such sale or transfer.

Association may lease or sell any or all of its lands, &c.

§ 14. This act to take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 1018.

AN ACT to incorporate the Louisville Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Hay, S. P. Meyer, George McLeod, John McLeod, John McAteer, Nathan Bloom, John L. Wheat, Bernard Cassily, and their associates and successors, are hereby created a body-politic and corporate, by the name and style of the Louisville Construction Company; and by that name may sue and be sued, contract and be contracted with, and do any and all acts which a corporation incorporated for similar purposes may or can do in the fulfillment of its charter and the object and ends of its organization; may have a common seal, which may be altered or changed at the pleasure of the company; may render the shares of stockholders transferable, and prescribe the mode of making such transfer; may exempt private property of stockholders from liability for corporate debts; may acquire and transfer property, possessing such powers in such respects as individuals now enjoy, and may establish such by-laws and rules as may be deemed expedient for the management of the affairs of said corporation.

§ 2. The principal place of business of said corporation shall be in the city of Louisville, in this State; but branch offices may be established elsewhere.

§ 3. The general nature of the business of said corporation shall be the construction of railroads, bridges, canals, and other works of internal improvement in this State and elsewhere, and to erect and carry on foundries and manufactories for manufacturing materials and implements to be used in the construction and building of such work as such corporation may undertake; but no right of eminent domain is herein granted.

§ 4. The capital stock of said company shall be three hundred thousand dollars (\$300,000), in shares of one hundred dollars each, and shall be deemed personal property. The corporators herein named, or a majority of them, may open a book and receive subscriptions to the capital stock of said corporation; and when twenty-five thousand dollars (\$25,000) of bona fide subscriptions shall have been secured and paid

in, the corporation may proceed to business in its corporate capacity.

1876.

When may commence business.
Board of directors.

§ 5. The management of the stock, property, and prudential affairs of said corporation shall be controlled by a board of nine directors, to be chosen for one year by the stockholders; and each stockholder shall have one vote for each share of stock owned by him. The president and secretary shall be elected annually by the directors; and the president and directors shall each be the owner of at least five shares of stock unencumbered. The election of the directors by the stockholders, after this current year, shall take place on the first Tuesday in March of each year; and the president and secretary shall be elected on the second Tuesday in March of each year; but if, from any cause, no election shall be held, the directors and president shall hold office until their successors are qualified, and another day may be named for the election of directors by publication in two daily newspapers in the city of Louisville ten days. The directors may appoint such other officers, agents, and employes as they may deem proper. A majority of the directors shall constitute a quorum.

One vote to each share.

Officers—when elected.

Term of office.

Quorum—what constitutes.

§ 6. The president and directors may make such by-laws as they deem proper, in regard to the time, places, and manner of holding elections; the time and manner of payment; the duties of officers, agents, and employes; their authority and powers; filling vacancies in offices; the character, kind, and amount of business; and such other by-laws, rules and regulations, as may be necessary for the proper prudential and effective management of the affairs of said corporation: *Provided*, The same are not repugnant to this, the Constitution and laws of this State, or the United States.

May enact by-laws, &c.

§ 7. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1019.

AN ACT for the benefit of R. F. Scott, late sheriff of Garrard county.

WHEREAS, For the years 1868, 1869, 1870, and 1871, certain persons were returned delinquent tax-payers in the counties of their residences within this Commonwealth, who were owners of lands in the county of Garrard; and whereas, the

1876. Auditor of Public Accounts placed said lists with R. F. Scott, in the year 1873, as the acting sheriff for Garrard county; and it appears from the affidavit of said Scott that said lists of delinquents were placed with him by the Auditor but a short time before his resignation of his office of sheriff as aforesaid, and too late for him to do execution thereof during his continuance in office; and whereas, by an order of the Garrard county court, at its January court, 1876, said lists have been returned to the Auditor as delinquents aforesaid; and whereas, the Auditor feels that, under existing laws, he has no power to accept said lists as delinquents; and inasmuch as the lands embraced in said lists within the county of Garrard are still liable for the taxes, and the sheriff, R. F. Scott, and his sureties, are held bound for the amount of said taxes to-wit: four hundred and nine dollars and thirty-six cents; and whereas, no injustice can be done the Commonwealth by placing said lists in the hands of the present acting sheriff of Garrard county for collection; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to re-list with the present sheriff of Garrard county the delinquent tax-list aforesaid, for the purpose of collection; and in his settlement with the said R. F. Scott, late sheriff of Garrard county, he will give the said Scott and sureties credit by the sum of four hundred and nine dollars and thirty-six cents, the amount of said delinquent list, and any damages which may be thereon; and the said Scott, late sheriff, be exonerated from the claim of the Commonwealth against him on account of said lists.

§ 2. This act shall take effect and be in force from its passage.

Approved March 20, 1876.

CHAPTER 1021.

AN ACT for the benefit of H. S. Percival, sheriff of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of

H. S. Percival, sheriff of Kenton county, for two hundred and eleven dollars and forty cents, to be paid out of any money in the Treasury not otherwise appropriated, in full satisfaction of the claim of said Percival, allowed to him in the Boone circuit court and Grant county criminal court, for services rendered and money expended by him in the case of the Commonwealth of Kentucky against W. G. Terrill. 1876.

§ 2. This act shall be in force from its passage.

Approved March 20, 1876.

CHAPTER 1022.

AN ACT to amend the charter of Bryantsville, Garrard county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be elected in the town of Bryantsville, Kentucky, by the legal voters of said town, a police judge, whose jurisdiction shall, within the corporate limits of Bryantsville, be the same as the jurisdiction of a justice of the peace of Garrard county. Said police judge shall be elected at the same time, and in the same manner, as the trustees of said town are required to be elected. Before entering upon the discharge of his duties said judge shall take the same oath that justices of the peace are required to take.

§ 2. That this act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1023.

AN ACT to amend section ninety-six of an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ninety-six of an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870, be so amended as to exempt attorneys and counselors at law and physicians from the provisions of said act.

§ 2. That this act to be in force from and after its passage.

Approved March 20, 1876.

1876.

CHAPTER 1025.

AN ACT to amend the act incorporating the Winchester and Red River Iron Works Turnpike Road Company.

WHEREAS, It appears that the trustees of the town of Winchester have made an agreement with the board of directors of the Winchester and Red River Iron Works Turnpike Road Company, by which said company is permitted to extend its turnpike road within the limits of said town, to the point of intersection of said turnpike road with the Paris and Winchester Turnpike Road, the said company agreeing to keep said road in good repair so far as it is extended within the limits of said town; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the turnpike road of the Winchester and Red River Iron Works Turnpike Company shall be regarded as commencing at its intersection with the Paris and Winchester Turnpike Road, inside of the limits of the town of Winchester.

§ 2. *Be it further enacted,* That said company shall have a right to charge toll at its first gate from the town of Winchester in proportion to the distance traveled on said turnpike road, whether it be less or more than one mile.

Approved March 20, 1876.

CHAPTER 1027.

AN ACT to amend the charter of the Kentucky Central Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

One vote for
each share of
stock.

§ 1. That hereafter in all elections by the Kentucky Central Railroad Company, or by the stockholders thereof, the stockholders shall each be entitled to one vote for every share of stock held by such stockholder thirty days before the election; and an act to amend the charter of the Covington and Lexington Railroad Company, approved November 24th, 1851, be, and the same is hereby, repealed in so far as it applies to the Kentucky Central Railroad Company; and section three of an act, entitled "An act to amend the charter of the Covington and Lexington Railroad Company," approved January 7th, 1852, be, and the same is likewise, repealed in so far as it applies to the Kentucky Central Railroad Company.

1876.

§ 2. That the Kentucky Central Railroad Company shall be authorized and empowered, by the vote of the holders of three fourths of the capital stock thereof, at any regular or called meeting of the stockholders of said company, to purchase any railroad or railroads chartered by the General Assembly of the Commonwealth of Kentucky connecting with said Kentucky Central Railroad, or to subscribe to or for the capital stock, in whole or in part, of said railroad or railroads. In the event of a purchase of, or a subscription to or for stock in, any such railroad or railroads by the Kentucky Central Railroad Company shall be, and is hereby, authorized to pay for the same in money, stock, or bonds; and in order to make provision therefor, the said company shall be, and is hereby, authorized and empowered, with the consent of the holders of three fourths of the capital stock thereof, to increase its capital stock, or to issue bonds in amounts sufficient to pay for the same, payable at any period not exceeding thirty years after the date thereof. Said bonds may be made payable in or out of Kentucky, and shall bear an annual interest of not more than seven per cent. per annum, payable semi annually, and may be sold for an amount less than par if deemed advisable by the company. To secure the prompt payment of said bonds, the Kentucky Central Railroad Company is hereby authorized and empowered to give and execute a mortgage lien upon the property, franchises, rights, and credits of said corporation, and pledge the same as a security for said loan or bonds of said corporation for the purposes aforesaid; and all bonds made or issued by said corporation for the purposes aforesaid shall be binding and obligatory.

May purchase any connecting railroad.

May increase capital stock or issue bonds.

How bonds are payable.

May execute mortgage lien.

§ 3. That any and all called meetings of the stockholders of the company, called or held for the purposes contemplated by the second section hereof, shall be advertised in one of the newspapers published in Cincinnati, Ohio, and also in at least three of the newspapers published in Covington, Cynthiana, Paris, and Lexington, Kentucky, by weekly insertions for the four weeks next preceding that in which such called meeting is held.

Meetings to be advertised.

§ 4. That said Kentucky Central Railroad Company may subscribe, or otherwise aid in other modes deemed advisable, in building turnpikes or bridges abutting upon said railroad

May aid in constructing turnpikes, &c.

1876. or adjacent thereto, which reasonably may be deemed feeders to said road.

Laborers on
persons injured
shall have lien on
rolling stock.

§ 5. Laborers upon said road for four months' services upon the same, and persons injured in person or property, shall have a lien upon the rolling stock of said road prior to any mortgage.

§ 6. That this act take effect from its passage.

Approved March 20, 1876.

CHAPTER 1028.

AN ACT for the benefit of the Louisville Plate Glass Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville Plate Glass Manufacturing Company, all its stockholders consenting thereto, in writing, to be copied on the records of the corporation, may make such amendments in and additions to its articles of association heretofore filed in the Jefferson county court clerk's office, as they may desire: *Provided, however,* That said amended articles of association shall not be contrary to the laws of the United States or of the State of Kentucky. It may incur debts to the amount of one hundred thousand dollars, beside the bonds hereinafter provided to be issued.

§ 2. Said amended articles of association may be signed by those only who are, at the time of filing, acting as directors of the corporation, and shall be acknowledged, recorded, and published in the same manner as would be required if they were original articles of association.

§ 3. That at any time after the filing of said amended articles of association said corporation, for the purpose of increasing its working capital, and more successfully prosecuting its business, may issue its bonds of one thousand dollars each, to an amount not exceeding two hundred thousand dollars, bearing interest at any rate not exceeding ten per centum per annum, which may be fixed in the bonds, the interest payable semi annually, in accordance with interest coupons to be attached to the bonds, and the principal to be paid at a time to be fixed in said bonds, not less than three years nor more than ten years from and after the date of the bonds.

§ 4. To secure payment of the principal and interest of said bonds said corporation is hereby authorized and empowered to execute to such trustee or trustees, as it may choose, a deed of trust on all or any part of its real estate, improvements, and appurtenances, machinery, tools, implements, furnaces, engines, boilers, tempering and other ovens, casting tables and rollers, pot and plate wagons, grinding tables and machinery, smoothing tables and machinery, polishing tables and machinery, and all other appurtenances, fixtures, and appliances used in carrying on the business of said corporation, excepting the material used for making glass, and the product of such material; and said corporation is empowered, by said deed and the provisions thereof, to pledge all the property which may be therein conveyed in trust, and its proceeds, to the full payment of said bonds, and the interest thereon; and to provide in what measure the same may be made available in discharge and payment of said bonds and interest.

§ 5. Said bonds or any of them may, from time to time, be sold or otherwise disposed of as the interest of said corporation may require, or may be pledged as collateral security; and said corporation may re-acquire and re-sell or re-issue the same as often as the interests of the corporation shall require such re-acquisition and re-issuance.

§ 6. This act shall be in force from its passage.

Approved March 20, 1876.

CHAPTER 1030.

AN ACT to amend an act, entitled "An act to incorporate the Christian Association of the Women of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Christian Association of the Women of Louisville," approved May 21st, 1870, be, and the same is hereby, so amended that the name and style of said corporation shall hereafter be "The Women's Christian Association of Louisville;" and said corporation shall, under this name, have all the rights, powers, privileges, and authority which it possessed under its former name, except as limited by this amendment.

1876.

§ 2. The second section of said act is amended so as to read as follows, to-wit: "The object of said association shall be the establishment and maintenance in said city of temporary homes for women, especially young women dependent upon their own exertions for support, where provision may be made for their physical, mental, and spiritual welfare and comfort."

§ 3. Section four of said act is amended so as to read as follows, to-wit: "The business of said association shall be conducted by a board of managers, or such other officers as said association may prescribe in its constitution, which constitution may be amended from time to time in the mode therein prescribed."

§ 4. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1032.

AN ACT to repeal an act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe, so far as the same applies to the county of Monroe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter five hundred and twenty-six of the session acts of 1873-'74, entitled "An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe," be, and the same is hereby, repealed so far as the same applies to Monroe county.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 1, 1876.

CHAPTER 1033.

AN ACT to incorporate the Christian Church, of the city of Newport, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Nelson, W. H. Lape, Robert Dodsworth, and James Walker, and their successors, be, and they are

Corporators.

hereby, constituted a body-corporate, to be known and designated by the name and style of the "Christian Church, of the city of Newport, Kentucky;" and by that name shall have perpetual succession, and a common seal, with power to change and alter the same at pleasure; and as a body-corporate may sue and be sued, plead and be impleaded, defend and be defended, in any of the courts of this Commonwealth.

1876.

Name and style.

Common seal

Corporate powers.

§ 2. They make such rules and by-laws for the organization and good government of said corporation as they may deem proper, not inconsistent with the Constitution and laws of this State and of the United States.

May enact by-laws, &c.

§ 3. They may acquire and hold, either by purchase, donation, gift, devise, bequest, or otherwise, real or personal estate, and may sell, convey, or dispose of the same for the use of said corporation as they may see fit, with the consent of a majority of the members in good standing of said church at the time.

May acquire and hold real and personal estate.

§ 4. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1034.

AN ACT to amend and reduce into one the several acts in reference to the town of Marion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Town Bounded.

§ 1. That the present corporate limits and boundaries of the town of Marion, in said Commonwealth, be so extended as to embrace one half mile square of land and territory; that the center of the present court-house in said town be the center of such square; that the sides of said square be parallel to the sides and ends of said court-house, each to each respectively; and the middle of each side of said square be one fourth of a mile in a straight line from the center of said court-house; that the inhabitants of such extended boundary be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, contract and be contracted with, plead and be impleaded, defend

Boundary.

Body-politic and corporate. Powers.

1876. and be defended, by the name of the Town of Marion, and to have a corporate seal.

ARTICLE II.

Officers and Elections.

§ 1. That the municipal government of said town shall consist of the board of trustees of Marion, composed of five persons, one of whom shall, at the first regular meeting of said board of trustees, be by them selected to preside over their meetings, and he shall be styled chairman of the board of trustees of Marion.

§ 2. That the said board of trustees, and their successors, shall be a body-politic and corporate, and shall be known and called by the name and style of "The Board of Trustees of Marion;" and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; and of taking, holding, purchasing, leasing, and conveying such real, personal, and mixed estate as the purposes of the town may require, within or without the limits aforesaid; they may or may not have a corporate seal.

§ 3. That all the legislative power and authority of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of the same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a clerk, a police judge, an attorney, a treasurer, a marshal, and assessor, and such other officers as the board of trustees may, from time to time, direct and appoint.

§ 5. That an election shall be held in said town on the first Saturday in April every two years (except for police judge, which shall be every four years), at such place as the board of trustees may appoint, and of which six days' previous public notice shall be given, in written or printed notices, posted in four public places in said town by the town clerk.

§ 6. That at the said election there shall be elected by the qualified voters of said town five trustees, a police judge, one marshal, and one assessor; and the person or persons having the highest number of votes cast at said election for either of such offices shall be declared elected.

§ 7. That the officers elected by the people under this act shall respectively hold their offices for two years (except the police judge, who shall hold his office for four years), and until the election and qualification of their successors respectively; all other officers mentioned in this act, and not otherwise specially provided for, may be appointed by the board of trustees at the first regular meeting thereof after the biennial election, or as soon thereafter as may be, and respectively continue in office two years, and until the appointment and qualification of their successors; but the board of trustees may appoint night and day watchmen, policemen, firemen, surveyors, gaugers, weighers, and inspectors, and other like officers, to continue in office during the pleasure of the board of trustees. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may appoint such officers or forthwith order a new election.

1876.

Term of office.

Other officers may be appointed.

Term of office of watchmen, policemen, &c.

People failing to elect, board may appoint.

§ 8. That every person appointed to office by the board of trustees, or elected to any office by the people, may be removed from such office by a vote of a majority of all the members of the board of trustees; but no officer who is elected by the people shall be removed except for cause, nor unless first furnished with the charges and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses, and the production of papers, when necessary for the purposes of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

Officers may be removed.

Proceedings for removal of officers elected by the people.

§ 9. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise, of any officer elected by the people, such vacancy shall be filled by a new election within ten days after the happening of such vacancy. Any vacancy occurring by the death, removal, or resignation, or otherwise, of any officer appointed by the board of trustees, may be filled by appointment of the board of trustees.

Vacancy—how filled.

1876.

Qualification of
officers.

§ 10. That all free male citizens of the United States who are entitled to vote for town officers elective by the people under this act shall be qualified to hold any office created by this act, except as is hereinafter in this act provided; but no person shall be eligible to hold any office created by this act, or any other act in relation to said town, who is now or may hereafter be a defaulter to said town, or who, being a collector or keeper of the corporation funds, has not settled with the board of trustees of said town and obtained a quietus; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for ten days after demand made, to account for and pay over to the person or party authorized to receive the same any public money which may have come to his hands; nor shall any person be eligible to hold the office of trustee in said town who is not at the time of his election a citizen and owner of real estate in said town, and has resided in said town for at least one year next preceding his election.

Who considered
ineligible to hold
office.In case of a tie
vote to be deter-
mined by lot.

§ 11. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees and at least three other persons.

Officers of elec-
tion to be ap-

§ 12. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—two persons as judges, one as sheriff, one as clerk; and, if practicable, the officers shall be selected in equal numbers from the principal parties; but no person who is a candidate for election to any office which is to be voted for in said election shall be an officer of said election. Officers of town elections shall perform similar services, and be entitled to like pay, as officers at State elections, and shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of this Commonwealth.

Hours of elec-
tions.

§ 13. That all elections by the qualified voters of the town shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

Qualification of
voters.

§ 14. That every free male citizen of the United States, over twenty-one years of age, resident of this State two years, or in the county of Crittenden one year, and in said town six

months, shall be qualified to vote for any town officer elective by the people. 1876.

§ 15. That all laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the town of Marion for any officer, subject, however, to all the provisions of this act touching the qualifications of voters. Illegal voting.

§ 16. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees, under such rules as may be prescribed by the by-laws or ordinances. Trustees to judge of qualification of members.

§ 17. That the outgoing town clerk shall, immediately after the election, certify to the Secretary of State the name of the person elected for police judge of said town, and the Governor of this Commonwealth shall issue a commission to said officer. Governor to commission police judge.

§ 18. That the poll books of all elections in the town shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and compare the same, and issue certificates to the officers elected, which certificates shall, before being delivered, be spread on the records of the board of trustees. Poll-books returned by sheriff. Clerk to compare same, and issue certificate of election.

§ 19. The officers to hold the first election which may be held under this act shall be appointed by the acting board of trustees of Marion at the time of such election, and such officers shall be two judges, a clerk, and sheriff of such election; and such election shall be conducted in the way and manner prescribed by this act for elections; and the acting clerk of the town at the time such election shall be held shall certify to the Governor of this State the name of the person who may be elected police judge of said town. Officers to hold first election—who to appoint

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act shall, before he enters upon the duties of his office, take and subscribe, before the presiding judge or the clerk of the Crittenden county court, the oath of office prescribed by the Constitution Officers to take oath of office.

1876. of this State, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

Power and duties of chairman of board.

May act as police judge &c.

§ 2. That the chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the laws of the Commonwealth, and the by-laws and ordinances of the town, are duly enforced, respected, and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of the police judge in all criminal and penal actions in cases where, from a vacancy in the office of police judge, or from absence, sickness, or other cause, the police judge does not or cannot act; and he shall have the same fees therefor as the police judge is allowed; but he shall account for and pay over to the town treasurer, when required by the treasurer, all fines or other moneys received by him in his judicial capacity.

In certain cases acting chairman may be appointed

Who is vested with powers of chairman.

§ 3. That in case of a vacancy in the office of chairman, or of his being unable to perform his duties by reason of temporary or continued absence or sickness, the board of trustees shall appoint one of their number, whose official designation shall be acting chairman; and the trustee so appointed shall be vested with all the powers, and perform all the duties, of chairman, except in regard to acting as police judge, until the chairman shall resume his office, or the vacancy be filled by a new election.

Duties of town clerk.

§ 4. That the clerk shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts; he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

Duties of town attorney.

§ 5. That it shall be the duty of the town attorney to perform all professional services incident to the office, and when required, to furnish written opinions upon subjects submitted to him by the board of trustees or its committees.

Duties of treasurer.

§ 6. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures in such manner as the board of trustees may direct. All moneys shall be drawn from the treasury by war-

rant from the chairman or acting chairman of the board of trustees, and countersigned by the clerk; such warrant shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees, on the first day of May of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

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Treasurer to exhibit annual financial statement.

§ 7. That it shall be the duty of the marshal to attend all the sossions of the police court, and to give the town attorney previous notice of any proceeding in that court to which it is his duty to attend; and to attend to the procuring of evidence in cases in which the town or the board of trustees of Marion is a party within the limits of the town, in all matters of a criminal nature arising under the by-laws or ordinances of said town, or the laws of the Commonwealth, he shall possess the same powers as sheriffs and constables. He shall execute all process, civil or criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Crittenden county court, or any justice of the peace. He shall possess the power and authority of a constable under the statutes of this Commonwealth; and his powers for discharging his duties shall be coextensive with Crittenden county. He shall be entitled, as compensation, to the same fees allowed by law to constables and sheriffs for similar services, to be collectable in the same manner as constables and sheriffs' fee-bills are; for other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-law or ordinance. He shall be liable in the same cases, way, and manner, and to the same extent, to be prosecuted in the same manner, as sheriffs and constables are. He shall perform such other duties, not inconsistent with this act, and make such returns and reports of his acts as may be prescribed by ordinance or by-law, and as hereinafter prescribed. He may or may not be appointed collector, but if he is, he shall be required to give, in addition to the marshal's bond, a bond as collector.

Town marshal—his powers and duties.

His fees.

His liabilities.

Additional duties.

He may or may not be appointed collector.

§ 8. That it shall be the duty of the collector to collect all taxes and assessments which may be levied by the board of trustees, and perform such other duties as may be herein prescribed or required by the board of trustees: *Provided,*

Duties of collector.

1876. That the board of trustees shall have power to require all license money to be paid directly to the treasurer, or to appoint some other person other than the collector to collect such money.

Assessor—his duty.

§ 9. That the assessor shall perform all the duties which the board of trustees may by by-law or ordinance prescribe in relation to the assessing of property, for the purpose of levying the taxes imposed by the board of trustees.

Trustees may require additional duties of officers.

§ 10. That the board of trustees shall have power, from time to time, and at all times, to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation.

What officers to give bond.

§ 11. That the police judge, treasurer, collector, and marshal shall severally, before they enter on the duties of their respective offices, execute a bond payable to the board of trustees of Marion, in such sum, with such conditions and sureties, as the board of trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other property that may come to their hands as such officers respectively; which bonds, with the approval of the board of trustees, certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of the Crittenden county court.

Suit may be brought on said bonds by parties injured.

§ 12 That the board of trustees of Marion, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against the said officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs, or devisees of any or either of them, as now provided by law for sheriffs and constables, and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery until the board of trustees of Marion, and every person aggrieved by the acts or omissions of such officer, shall have been recompensed.

Retiring officer to deliver books, papers, &c., to his successor within ten days.

§ 13. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and

effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver.

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ARTICLE IV.

Police Court.

§ 1. That there shall be established in said town a court, to be styled the Marion Police Court, which shall be held by one judge, to be styled the Judge of the Marion Police Court, who shall be elected as is hereinbefore provided.

Police court established.

§ 2. That the Marion police court shall have exclusive original jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, without the intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same, that the circuit courts have, like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of two justices of the peace as an examining court.

Jurisdiction of same. Police judge may try all violations of ordinances, &c., without jury.

May take recognizances.

§ 3. That the judge of said court shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the Commonwealth, or by-laws and ordinances of the town, and for those committed within his presence may order arrests without warrant, the person to be dealt with according to the laws of the Commonwealth, or the by-laws and ordinances of the town. If he think it necessary he may detain any person or persons so offending in custody in the county jail or other safe place.

Police judge a conservator of the peace.

May order arrests.

And detain offenders.

§ 4. That the police court shall be holden at such place as the board of trustees may designate, or, they failing to designate and provide a suitable place, at such place as the judge may select in said town. The judge shall have power to fix the time of holding court for the trial of criminal or penal cases as, in his discretion, the business before him may seem to require.

When and where court may be held

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk; and certified copies of

A court of record

1876. the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

Proceedings in name of Commonwealth.

Process returnable to said court, and to whom directed.

§ 6. That all proceedings in, and process from, the police court shall be in the name of the Commonwealth of Kentucky. The process shall be made returnable to the police court, and may be directed to the town marshal; but the judge may direct the process to any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the fees for the like services and to the like remedy for the collection thereof, as the constables and sheriffs of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines granted to town.

§ 7. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of Marion, or of the board of trustees of Marion, are hereby granted to the town of Marion.

Who to collect same.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town treasurer.

Defendant may replevy.

§ 9. That the defendant shall have the right at any time to replevy, for three months, any judgment, fine, or forfeiture of the police court, or execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

Proceedings in case of a return nulla bona.

§ 10. That a return of not found on a *capias pro fine*, and of no property on a writ of *fiери facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Marion against the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

Execution may issue against estate of defendant.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky or of the town of Marion, or of the board of trustees of Marion, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant

may be issued, or a *capias pro fine* may be issued requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

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§ 12. That in all cases in said police court where, by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is in whole or in part imprisonment, the police court shall have the power to imprison the person convicted of a violation of said laws, this act, or said by-laws or ordinances, in the Crittenden county jail, for any time not exceeding fifty days, specified by said laws, this act, or said by-laws or ordinances.

May imprison in certain cases.

§ 13. That appeals shall lie from the decisions and judgment of the police court to the Crittenden quarterly court, in all cases where the fine exceeds ten dollars and is less than fifty dollars, exclusive of costs, and to the Crittenden circuit court where the fine is fifty dollars or upwards, exclusive of costs; and where the punishment is by imprisonment exceeding ten days, an appeal shall lie to either the said quarterly or circuit courts. In all cases of appeals in criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed, before the clerk or judge of the court to which the appeal is taken, a covenant, with good surety, in all respects as required by section three hundred and forty-four of the Criminal Code of Practice.

Appeals may be had.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties and a prompt administration of justice.

Court to be always open.

§ 15. That all fines and forfeitures arising under this charter for breaches of the by-laws and ordinances of said town shall be sued for by warrant in the name of the board of trustees of Marion, or the Commonwealth of Kentucky, and shall be for the use of said town.

Breaches of ordinances, &c., to be sued for in name of trustees or Commonwealth of Ky.

§ 16. That the police court shall have original and concurrent jurisdiction with the Crittenden quarterly court in all civil cases and proceedings; and the time of holding said court for the transaction of civil business shall be fixed by

Judge to have original and concurrent jurisdiction with quarterly court.

1876. the Crittenden county court, as is done in the case of justices' courts; and until differently fixed shall remain as it now is.

Codes of Practice to regulate proceedings in this court.

§ 17. That the provisions of the Criminal Code of Practice shall regulate the proceedings of said court in criminal and penal cases; and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

Fees of police judge.

§ 18. That the fees of said judge, whether acting as judge or clerk, or otherwise, shall be the same in all cases as are now, or may hereafter be, given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

ARTICLE V.

General Powers and Duties of the Board of Trustees.

Meetings of board of trustees.

§ 1. That the board of trustees shall hold stated meetings, and the chairman may call meetings, by notice to each of the members of the board of trustees, either oral or written; but if written, such notice must be served personally or left at their usual place of abode. A majority of the persons elected as trustees shall constitute a quorum.

Board to manage finances, property, &c., of the town.

§ 2. That the board of trustees shall have the management and control of the finances, and all the property, real, personal, and mixed, belonging to the corporation; and shall have power to contract and be contracted with, for and on behalf of said town; and shall have power to provide for the erection and repair of all needful public buildings for the town; and to provide for inclosing and improving all public grounds belonging to the town; and shall likewise have power within the jurisdiction of said town, by by law or ordinance—

Prohibit gaming.

1st. To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards, and other games of chance, whereat anything of value is bet, won, or lost.

Regulate sale of liquors.

2d. To regulate and tax the selling of any ardent spirits or other intoxicating, fermented, vinous, or malt liquors by any hotel-keeper, tavern-keeper, or innkeeper, or merchant in said town, under and by virtue of the present statutory laws of this Commonwealth, and no further: *Provided*, That, in addition to the present State tax, the tax (under this act) upon licensed hotel, tavern, or innkeepers shall be seventy-five dollars for a year, no more and no less; and the tax upon

such licensed merchant or merchants shall be twenty-five dollars, in addition to the amount now required by law. 1876.

3d. To prohibit the selling or giving away of any spirits or other intoxicating liquors to any minor or apprentice, without the written consent of his or her parent or guardian, master or mistress; and said trustees shall not have power to license or authorize any saloon or coffee-house keeper to sell spirituous, vinous, or malt liquors. May prohibit selling or giving same to minors.

4th. To license, tax, regulate, suppress, and prohibit billiard tables, pigeon-hole, jenny lind, and all similar tables, or contrivances, pin alleys, nine or ten-pin alleys, ball alleys, and shooting galleries. Billiard tables, &c.

5th. To tax, license, regulate auctioneers, distillers, brewers, and pawnbrokers; and tax or lay duties on the sale of goods at auction. Auctioneers, &c.

6th. To license, tax, and regulate hawkers and peddlers, and all itinerant vendors of medicines, or other goods, wares, or merchandise, whether at auction or otherwise; also any and all agents of insurance and lottery offices and agencies doing or pretending, or offering to do, business in said town, and to prevent any business of that kind being done without license. Peddlers, &c.

7th. To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions (except by the citizens of the town and county). Shows.

8th. To authorize the chairman of the board of trustees, or other proper officer of the town, to grant and issue licenses, and direct the manner and time of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed fifty cents. Grant licenses.

9th. To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage. Suppress riots, &c.

10th. To establish and regulate markets and other public buildings, and provide for their erection, and determine their location, and authorize their erection in the streets of said town, or other suitable place or places within the town limits. Disorderly houses. Markets.

- 1876.** 11th. To regulate, license, or prohibit butchers, and to revoke their license for malconduct in the course of trade.
Butchers.
- 12th. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials.
Gunpowder, &c.
- 13th. To prevent horse-racing, immoderate riding or driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to punish or prohibit the abuse of animals, and to compel persons to fasten or secure their horses, mules, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the street.
Horse racing.
Abuse of animals, &c.
- 14th. To prevent the encumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, brick, stone, posts, awnings, signs, or any substance or material whatever.
Encumbering streets, &c.
- 15th. To prevent any obscene, indecent, or profane exhibition or conduct.
Obscene exhibitions, &c.
- 16th. To restrain and punish vagrants and prostitutes.
Vagrants and prostitutes.
- 17th. To restrain and regulate, or prevent, the running at large of horses and swine, and authorize the distraining, impounding, and sale of the same, for the penalty incurred and the cost of the proceedings; and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.
Horses and swine
- 18th. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws and ordinances.
Dogs running at large.
- 19th. To prevent and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.
Playing ball.
- 20th. To make regulations to prevent the introduction or spread of contagious diseases in the town.
Contagious diseases.
- 21st. To have exclusive power over the streets and alleys and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.
Streets and alleys
- 22d. To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.
Abate nuisances.

23th. To appoint watchmen and policemen, and prescribe their duties, power, and pay.

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Watchmen, &c.

24th. To purchase lands for and locate cemeteries, either within or without the town limits, which cemeteries may or may not (in the discretion of the board of trustees) adjoin the old cemetery near said town. They shall have power to lay off said cemeteries into lots, and sell the same; to improve said cemeteries, and to exercise full control over the same, and enforce the proper regulation and management thereof, and punish all trespasses thereon by adequate fines and penalties.

Cemeteries.

25th. To appoint inspectors, weighers, and gaugers, and regulate their duties and fees.

Inspectors, &c.

26th. To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.

Provide town with water.

27th. To establish and regulate public pounds.

Public pounds.

28th. To authorize and regulate the use of locomotive engines within the town, and to grant to any railway company the right of way through the streets of said town; and to direct and control the location of railroad tracks and depot grounds, and prohibit railroad companies from doing storage and warehouse business, or collecting pay for the same.

Regulate railroads and locomotives, &c.

29th. To erect, control, and keep in repair, public scales in said town, when deemed necessary.

Public scales.

30th. To exclusively control, regulate, repair, grade, pave, macadamize, and amend and clear the streets and alleys, bridges, side and cross-walks, and open, widen, straighten, extend, and vacate streets and alleys.

Repair streets and alleys, &c.

31st. To establish hospitals and pest-houses, and make regulations for the government thereof, and discontinue the same at pleasure.

Hospitals, &c.

32d. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Health, &c.

33d. To prohibit any work or business being done or performed on the Sabbath day, and to punish any person found at or engaged in any work or business on that day, except it be the ordinary household offices of daily necessity, or other work of necessity or charity: *Provided*, That persons who are members of any religious society who observe as a Sabbath any other day in the week than Sunday or the Christian

Prohibit work on the Sabbath day.

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Sabbath, shall not be punished if they observe as a Sabbath one day in each seven.

May enact by-laws, &c.

34th. That the board of trustees shall have power to make publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this Commonwealth, for the good government and order of the town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of said town by this act, and enforce observance of all rules, ordinances, by-laws, and police and other regulations made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same.

Imprisonment not to exceed fifty days.

35th. The board of trustees may also enforce such rules, ordinances, by-laws, and police and other regulations as aforesaid, by punishment of fine and imprisonment, or both, in the county jail, in the discretion of the court before which conviction may be had: *Provided*, Such fine shall not exceed one hundred dollars, exclusive of costs, nor the imprisonment exceed fifty days.

Fire engine.

36th. The said board of trustees may provide for the use of said town a fire engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.

Exclusive power to grant licenses.

37th. That the board of trustees of Marion shall have exclusive power to grant all licenses for which provision is made by this act; and the amount to be paid for any license for which provision is made by this act shall be fixed by the said board of trustees.

ARTICLE VI.

Taxation.

May levy and collect taxes.

§ 1. That the board of trustees of Marion shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding fifty cents on each one hundred dollars' worth of all the real estate in said town, including the improvements on such real estate, and upon all personal estate in said town; and a head or poll-tax upon every male inhabitant of said town over twenty-one years of age, of not exceeding one dollar; and a tax not exceeding five dollars on each dog that any person may keep, or suffer or permit to be kept, on his or her premises.

What property exempt from taxation.

§ 2. There shall be exempt from taxation under this act, or for the purposes of said town, all public property belonging

to said town, the county of Crittenden, the State of Kentucky, the United States, any church, college, public school, public seminary of learning, all grounds attached to any such college, church, school, or seminary, and dedicated solely to the use thereof, and any cemetery belonging to said town.

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ARTICLE VII.

Working on Streets.

§ 1. That the board of trustees of Marion shall have power to require (and it is hereby made the duty of) every able-bodied male inhabitant of said town, over sixteen and under fifty years of age, except ministers of the gospel, to faithfully labor three days in each year upon the streets of said town, under the supervision of the street commissioner, to be appointed by the said board of trustees, and to furnish such tools as the board of trustees may require; but every person may, at his option, instead of laboring, pay into the town treasury, at the rate of one dollar per day, for each day he may be so required to labor: *Provided*, Such payment be made before the first of the three days the person may be notified to labor. In default of payment or labor as aforesaid, the sum of four dollars and costs of proceeding may be recovered against each person in default, by the said board of trustees, by action before said police judge; and any and all persons who may be so required to labor shall be exempt from working on any and all roads in Crittenden county outside the boundary of said town, as designated by this act. That all money levied or collected by virtue or in pursuance of this act, including all fines, forfeitures, and penalties imposed and collected under this act or the State laws, or the by-laws of the said town, and all taxes and assessments, and all money collected for licenses, shall be for the use of said town, and paid into the treasury thereof.

Work on the streets—how regulated.

All moneys for use of town.

ARTICLE VIII.

Opening of Streets.

§ 1. That the board of trustees of Marion shall have the power to lay out public squares or grounds, streets, alleys, and highways, and to alter, extend, widen, contract, straighten, open, or discontinue the same; and such board of trustees shall cause all streets, alleys, and highways, public grounds or squares, laid

May lay out public streets, squares, &c.

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Description to
be kept in a book
by clerk.

out by them to be surveyed and described, and a description thereof to be recorded in a book to be kept by the clerk of said town, showing particularly the proposed improvements and the real estate required to be taken; and such streets, alleys, and highways shall, when opened, be public highways.

May open,
widen, extend
streets, &c.

§ 2. That whenever the public convenience may, in the opinion of the board of trustees, require any street or alley, lane or highway, to be opened, laid out, extended, changed, straightened, or altered, or any public square or ground to be opened or laid out, they may obtain or purchase from the owners thereof such real estate as may be necessary therefor, and obtain from such owners a conveyance of said real estate, which conveyance shall be recorded in the office of the clerk of the Crittenden county court.

How real estate
obtained for that
purpose.

§ 3. That in all such cases where the board of trustees cannot or do not obtain or purchase such real estate, and receive conveyance therefor, they shall have power to cause to be filed in the Crittenden county court a petition, in which the board of trustees of Marion shall be made plaintiff, and all the owners of such real estate, and the guardian of infant owners, shall be made defendants; but such petition need not be sworn to. Such petition shall describe the street, alley, lane, highway, public ground or square that is sought to be laid out, altered, extended, widened, or straightened, the character of the proposed improvement, where situated, and the names (if known) of the owners of the real estate required to be taken, and which, if any of said owners are non-residents, and which, if any are infants, and who are the guardians of such infants, if such there be; and all such owners, and the guardians of such infants, if residents of this State, shall be summoned actually as required by the Civil Code of Practice in ordinary actions; and if non-residents, shall be warned as required by said Code, and guardian *ad litem* shall be appointed to defend for such infants who shall answer; and an attorney shall be appointed for any non-resident defendants or defendant in the way and manner required by said Code of Practice, and his duties shall be as therein prescribed; and after all the defendants shall have been so actually or constructively brought before the court, and the answers of the guardian *ad litem*, and the report of the attorney for the non-resident defendants shall have been filed, a writ of *ad quod*

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damnum shall be awarded by the court, directed to the sheriff of Crittenden county, to be executed and returned as required by law for writs of that nature for opening public roads in this State. On the return of the writ duly executed, the court shall order the damages assessed to be paid by the said board of trustees out of the funds in the treasury of said town to the party or parties entitled thereto, and shall order the street, alley, highway, or public square or ground, to be laid out and opened upon the payment of said damages; it shall be public property, and under the control of the board of trustees of Marion: *Provided*, That at any time before such order shall be made to lay out or open any such public square or ground, street, alley, or highway, the said board of trustees may abandon the proceedings, being responsible for costs; and in such event the public square, ground, street, alley, or highway shall not be opened or laid out.

ARTICLE IX.

Grading, Paving, and Improving Streets and Alleys.

§ 1. That the board of trustees shall have power to grade, pave, improve, protect, and ornament any public square or ground now or hereafter laid out.

May grade and pave streets.

§ 2. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing and sidewalks to be constructed, repaired, or relaid, shall make, repair, or relay such curbing or sidewalks at their own costs and expense, and in the manner, with the material, and in the time prescribed by said board of trustees, by ordinance or otherwise; and if not done in the manner, with the materials, and within the time so prescribed, the board of trustees may cause the same to be constructed, repaired, or relaid, and assess the expenses therefor, by an order to be entered in the record of their proceedings, upon such lots respectively, and collect same by warrant and sale of the premises, as in the case of taxes; a suit may also be maintained by the board of trustees of Marion against such owner or owners for the expenses of such improvements.

And may compel owners of lots to have same done.

§ 3. That all the provisions of the preceding section shall apply with equal force to all persons whose duty it is to remove or abate any nuisance, and to all property chargeable

Provisions of preceding section to apply to nuisances.

1876. with the expense of abating or removing any nuisance, where the board of trustees have incurred expense in abating or removing same. That no person shall be required to make a sidewalk in front of his or her premises until after the street in front of such shall have been curbed for the sidewalks thereof at the expense of the town, and of suitable material for the sidewalks so ordered to be made.

Owner not compelled to make sidewalk until same is curbed.

ARTICLE X.

Borrowing Money.

How money may be raised for purpose of improvements.

§ 1. That for the purpose of creating a fund for making such improvements as may seem necessary, the board of trustees of said town are hereby authorized to issue the bonds of said town, payable to bearer, and not more than twenty years after date, and bearing interest at a rate not greater than ten per cent. per annum, payable semi-annually, principal and interest to be made payable at such place as the board of trustees shall by ordinance designate, and which shall be named in the face of said bonds; and same may be of any denominations not less than fifty dollars and not greater than two hundred dollars, and shall have coupons for interest attached. The bonds shall be signed by the chairman of the board of trustees, and countersigned by the clerk, and shall have the corporate seal of said town attached, and the coupons shall be signed by the clerk alone; which bonds so issued may be sold, pledged, or disposed of by the board of trustees as to them may seem best for the purpose aforesaid, and for the interest of said town, and for the payment of same, principal and interest, all the revenues of said town shall be pledged: *Provided*, That not more than five thousand dollars of such bonds shall be issued in any one year, and the amount of same outstanding shall not at any time exceed ten thousand dollars: *Provided further*, That before any bonds shall be issued under this act, the question whether same shall be issued shall, by order of the board of trustees, be submitted to the qualified voters of said town at some regular election, or at such other time as the board of trustees may fix; and the board of trustees shall cause notices of such submission, and of the time thereof, to be posted at four public places in said town for at least twenty days before the time of such submission; and the election to determine whether such bonds shall be issued shall be held by the same officers,

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appointed in same manner, between the same hours, and in all respects conducted in same manner, as elections for town officers are provided by this act to be held; and the officers holding such election shall, at the close of the polls, make out and signed at the foot of poll-book used a full certificate of the time such election was held, and the state of polls when closed; and said poll-book shall be disposed of and preserved as is required in other elections in said town; and at first meeting of the board of trustees after such election, the aforesaid certificate of officers of same shall be spread in full on their records; and no bonds shall be issued under this act unless a majority of all the qualified voters of said town shall have cast their votes in favor of such issual: *And provided further*, That not more than five thousand dollars of said bonds shall at any time be issued, until the question of their issual shall have again been submitted to the qualified voters of said town, in all respects as above provided, and a majority of all the qualified voters of said town shall have again cast their votes in favor of such issual.

§ 2. That the board of trustees shall, out of the revenues of said town hereinbefore provided to be levied and collected, pay said bonds and coupons as they respectively fall due; and for that purpose may, out of said revenue, create and set apart a sinking fund; but before so doing shall appoint three resident tax-payers of said town a board of sinking fund commissioners, who shall be sworn as other officers of said town, and hold their offices during the pleasure of the board of trustees; and said commissioners shall, before entering upon the discharge of their duties, execute to the Commonwealth of Kentucky, for the use of said town, such bond for the faithful discharge of their duties, with such sureties as the board of trustee shall accept and approve; and said commissioners shall take charge of the said sinking fund, and keep same securely and profitably invested, until required for payments as aforesaid, and shall control same under advice and direction of the board of trustees.

Sinking fund

ARTICLE XI.

Collections of Taxes and Assessments.

§ 1. That the board of trustees shall have power, by ordinance, to prescribe the form of assessment rolls, and prescribe the duties and define the powers of assessors; and to make

Collection of
taxes and assess-
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such rules, and give such directions in relation to attending, revising, or adding to the rolls, as they may deem proper and expedient.

When the assessment rolls to be returned, and objections thereto.

Omissions in assessments to be corrected.

§ 2. That the annual assessment rolls shall be returned by the assessor, on or before the first day of May in each year; but the time may be extended by order of the board of trustees. On the return thereof the board of trustees shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The board of trustees shall have power to supply omissions in said assessment rolls; and for the purpose of equalizing the same, to alter, add to, take from, or otherwise correct and revise the same.

When corrected to be entered by clerk, and tax levied.

§ 3. That when the assessment roll shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk. The board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amounts authorized by this act, and by warrant direct the collector to collect the same.

Tax a lien upon property assessed

§ 4. That all taxes and assessments, general or special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be imposed, voted, or assessed, until such tax shall be paid, and no sale or transfer of real estate shall affect the lien thereon; and no property shall be exempt from sale for the payment of such taxes or assessments, except such as is by this act exempted from taxation; any personal property belonging to the debtor may be taken for the payment of taxes, and sold by the collector after ten days' public notice of such sale, posted up at four public places in said town, the door of the court house being one.

Warrants for collection to be issued by clerk.

§ 5. That the town clerk shall issue a warrant or warrants for the collection of the taxes; and every warrant issued for the collection of general or special taxes and assessments shall be signed by the chairman of the board of trustees and the clerk, and shall contain a true and perfect copy of the corrected assessment roll upon which the same may be issued.

And delivered to collector.

All such warrants shall be delivered to the collector of the town for collection within twenty days after the filing of the

corrected rolls, unless further time be given by the board of trustees. If not otherwise paid, the board of trustees of Marion shall have power to collect said taxes and costs by suit in the name of the board of trustees of Marion or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same. The assessor's roll shall in all cases be evidence on the part of the board of trustees of Marion; and notice published by the collector, by sticking up written or printed notices at four public places in said town for ten days, shall be deemed a demand, and a neglect to pay for twenty days thereafter shall be deemed a refusal to pay such tax or assessments.

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And how collected if not paid

§ 6. That the collector shall pay all taxes and assessments as fast as collected into the town treasury; and his powers, duties, liabilities, in case of a default or misconduct, shall be prescribed by the board of trustees by ordinance.

Collector to pay same as fast as collected.

§ 7. That in case of the non-payment of any taxes, assessments levied or assessed under this act upon real estate, so much of the premises as may be sufficient to pay the same may be sold to the highest bidder, at public auction, for cash in hand, at any time within two years after the confirmation of the assessment by the board of trustees. Before any such sale an order shall be made by the board of trustees, which shall be entered at large in the records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the tax or assessment for which the sale shall be made; a certified copy of which order, signed by the chairman of the board of trustees and the clerk, shall be delivered to the collector, which, together with the warrant shall constitute the process upon which such sale shall be made.

In cases of non-payment of taxes or assessments.

§ 8. That the collector shall then advertise such premises for sale, by posting written or printed notices at four public places in said town for ten days, describing the said premises, and giving the name of the owner, when known, and the several amounts of the taxes or assessments thereon, and the time and place of sale; the place of sale shall always be the court-house door in said town, and the time the first day of some term of the Crittenden county or circuit court.

Collector shall advertise premises for sale.

§ 9. The collector shall be allowed such fees for selling as the board of trustees shall prescribe; the clerk shall keep a

Collector's fees, &c.

1876. record of such sales, which shall be open to public inspection at all reasonable times.

Right of redemption, &c.

§ 10. That the right of redemption, in all cases of sales of real estate for taxes or assessments, shall exist to the owner or his heirs for the period of three years from the day of sale, on payment of twenty per cent. on the amount for which the same was sold, and all taxes accruing subsequent to the sale. If the real estate of any infant or *feme covert* or lunatic be sold under this act as aforesaid, the same may be redeemed at any time within three years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him, to the town clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed, the board of trustees shall, upon the return of the certificate of sale, or proof of its loss, direct the collector, or his successor, to execute a deed to the purchaser, conveying to such purchaser the premises so sold and unredeemed as aforesaid; the collector may charge a fee of one dollar for every deed so made, and an amount sufficient to pay other necessary costs of such deed, to be taxed as other costs.

If no bids made, to be struck off to board of trustees.

§ 11. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any grounds or chattels, the same shall be struck off to said board of trustees for the benefit of the town; and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales, and for the benefit of the town; and the collector shall execute to the purchaser a certificate of sale for all real estate sold for tax.

Deed duly authenticated evidence of sale, &c.

§ 12. Any deed, or a duly authenticated copy of the record thereof, made for real estate sold for taxes or assessments shall be *prima facie* evidence of the power and authority to sell the same, that all proceedings in reference to such sale, and levying the taxes or assessments for which the same was sold, were regular.

ARTICLE XII.

Miscellaneous Provisions.

Annual statement of receipts and disbursements to be made

§ 1. That the board of trustees shall, at least ten days before the annual assessment of taxes as hereinbefore provided, or

the first day of May in each year, cause to be posted in two public places in said town a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former were derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial concerns and condition of the town.

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§ 2. Every ordinance, by-law, or regulation imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions shall, after the passage thereof, be published one week, by posting up written or printed copies, or a synopsis thereof, at four public places in said town.

Ordinances, by-laws, &c., to be published.

§ 3. That the members of the board of trustees shall be exempt from paying poll-tax and labor on streets.

Pay of trustees.

§ 4. That it shall be the duty of the board of trustees at all times to keep the streets, alleys, lanes, and highways in said town in good order and condition; and for every failure so to do they shall, upon indictment and conviction in the Crittenden circuit court, forfeit and pay, for the use of said town, not less than ten nor more than one hundred dollars; and such fine shall be paid by the members of the board of trustees out of their individual estates, share and share alike.

To keep streets and alleys in repair and good condition.

§ 5. All ordinances, regulations, or by-laws now in force in said town, and not inconsistent with this act, shall remain in full force under this act until altered, modified, or repealed by the board of trustees after this act shall take effect.

Penalty for failure.

Ordinances now in force not inconsistent with this act to remain.

§ 6. All actions, rights, fines, penalties, and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in, and prosecuted by, the board of trustees of Marion hereby created or provided for.

Actions, &c., vested in board of trustees.

§ 7. That all property, real, personal, or mixed, belonging to the town of Marion, or the board of trustees of Marion, is hereby vested in the board of trustees of Marion, created or provided for by this act, and the officers of said town now in office shall respectively remain and continue in the same until superseded in conformity to the provisions hereof; but shall be governed by this act.

Property of town vested in trustees

§ 8. That this act shall not invalidate any legal act done by the board of trustees of Marion, or by its officers, nor divest their successors under this act of any rights of property or

This act not to invalidate former acts of trustees, &c.

1876. otherwise, or liability which may have accrued to, or been created by, said corporation prior to the passage of this act.

Inconsistent
acts repealed.

§ 9. That all acts or parts of acts inconsistent herewith are hereby repealed; and this act may at any time be altered, modified, or repealed by the General Assembly of Kentucky.

§ 10. This act shall take effect from and after its passage.

§ 11. Merchants and business men in said town may, during the daytime, and only during the daytime, shall have the privilege of occupying three feet of the sidewalk fronting their business houses for the purpose of receiving or exposing their goods for sale.

§ 12. The Crittenden county court shall not grant a license to any merchant or tavern-keeper to sell spirituous, vinous, or malt liquor until the person applying for such license shall produce to said county court a certificate from said board of trustees that the town tax required by this act has been paid by such applicant.

Approved March 20, 1876.

CHAPTER 1037.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Mutual Benefit Association of Physicians," approved March 21st, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Kentucky Mutual Benefit Association of Physicians," approved March 21st, 1871, be, and the same is hereby, amended as follows, to-wit: That section first of said act be amended by striking out the word "Kentucky" where it occurs in said section, and inserting in lieu thereof the word "American."

§ 2. That section second of said act be amended by striking out all of that part of the section beginning with the words "without reference to age, &c.," and inserting in lieu thereof the following, to-wit: "Of good health and of sound constitution, and under the age of sixty, and the wives, children, and members of physicians' families not under sixteen and not over fifty-five years of age, of good health and sound constitution, and all medical students of similar condition of health and constitution who intend making the practice of medicine their profession. All members may be assigned to

certain classes in the membership, and shall be required to pay such death fees as the board of directors may stipulate in the certificate of membership."

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§ 3. That section sixth of said act be amended by adding at the end of said section the words "after the establishment of the association upon a firm basis."

§ 4. That section eighth of said act be amended by striking out the last sentence of said section, beginning with the words "the board may have the right, &c."

§ 5. This act shall take effect and be in force from its passage.

Approved March 20, 1876.

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